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ROYAL COMMISSION

ON

PILOTAGE

23

HEARINGS

HELD AT

HALIFAX
NOVA SCOTIA

VOLUME No.:

27-30

DATE:

May 28, 1963

OFFICIAL REPORTERS

ANGUS, STONEHOUSE & CO. LTD.
BOARD OF TRADE BLDG.
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at the Province House, Halifax,
Nova Scotia, on Tuesday, the
28th day of May, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques

Mr. Leopold Langlois, Q.C., for the Canadian
Merchant Service Guild, Inc.

Mr. J. H. Dickey, Esq., for the Pilots of the
Pilotage District of Halifax.

Mr. D. Anderson, Esq., Halifax Steamship Committee,
Shipping Federation of Canada.

Also Present;

Capt. J. S. Scott, Nautical Adviser
to the Commission.

Capt. Seeley, Department of Transport
and liaison officer.



1 ---Whereupon the hearing commenced at 10:00 a.m.

2 THE CHAIRMAN: Gentlemen, we are now
3 opening our hearing of the Royal Commission on Pilotage
4 in Halifax. We have the privilege to have with us this
5 morning in the audience Mr. Donahoe, the Attorney General
6 of the province. It would please us very much to have
7 Mr Donahoe say a few words.

8 MR. DONAHOE: Mr. Chairman, and Commissioners
9 and gentlemen, on behalf of the Province of Nova Scotia
10 it gives me very great pleasure to welcome this Royal
11 Commission on Pilotage to Halifax. I understand the
12 Commission has now been in operation for some time, that
13 it has been conducting its inquiries in the other provinces
14 in Canada where it is proper such inquiries should be con-
15 ducted. It has spent substantial time in the Province of
16 British Columbia and visited the other provinces in this
17 Eastern area and has gathered a wealth of information
18 respecting the complexities of the pilotage system as it
19 is known and as it operates in our country. I welcome
20 them very heartily to this Province because obviously the
21 matter with which they are dealing is one of tremendous
22 importance to so many people in our community, those who
23 are pilots and those who are interested in commerce and
24 in shipping. It is to be hoped that the information to
25 be gained and gathered by this Commission will
26 be the basis of recommendations which will combine the
27 aspects of security of shipping and of securing
28 appropriate revenue for the use of our pilots and that
29 there will as a result of the deliberations of this
30 Commission and pursuant to its recommendations arise a



1 system which will be uniform, which will be fair to all
2 those concerned and which will serve all the purposes which
3 it is in the interests of pilots and the pilotage system
4 to serve On behalf of the Province of Nova Scotia and ex-
5 pressing the personal regrets of the Premier who was unable
6 to be here this morning, I have much pleasure, gentlemen,
7 in welcoming you here and I trust that your deliberations
8 in the course of your sittings here will be fruitful, that
9 you will learn much that is of interest and that what you
10 learn here will be of value to you in forming your con-
11 clusions so that the best possible results may flow from
12 your efforts. Thank you very much.

13 THE CHAIRMAN: I wish to thank the Honourable
14 Attorney General for his welcome I would say it is a
15 red carpet welcome to us. As far as I am concerned, I
16 was in Halifax before. It was about 23 years ago as a
17 sub-lieutenant. Since I came here yesterday with different
18 eyes I saw Halifax from another point of view. With the
19 experience of about four months investigation in pilotage
20 all across Canada I have seen things now here in Halifax
21 that I couldn't see before. Before I had noticed the
22 scenic beauty of the harbour and the mountains and the
23 inlets, the Narrows and everything. Now I have seen it as
24 a harbour, as one of the most beautiful I have seen, with
25 deep water and almost no hazards except for fog and of
26 course, normal hazards. Your shelter area, is something
27 most beautiful and valuable for your province.

28 As you know our Commission was created by the
29 Government of Canada in October last year. We are re-
30 quested to investigate into the pilotage problems all



1 across Canada. The first difficulty was to define what is
2 pilotage. As you may know pilotage in various places
3 existed even prior to our institution, and therefore it
4 was not created by the institution, and that is why we find
5 by experience, wherever we go, we find a different pattern
6 of pilotage. That is why we are obligated to go everywhere
7 and see for ourselves what it is. We have been requested
8 to report the facts, to tell the Government what pilotage
9 is in Canada, and then to make our recommendations and
10 our suggestions.

11 Let me say this, later on when we proceed as
12 though we were in a courthouse I wish to stress that this
13 is not a trial. There are no opponents here. It is only
14 the Commission. We are the ones appointed to gather the
15 facts and we have the responsibility to see that those
16 facts are accurate and are complete. Therefore there are no
17 litigants in front of us. There are only Commission wit-
18 nesses. One thing I would like to stress also is that
19 we are not the Department of Transport. We are a completely
20 different entity created by the Government of Canada, as
21 I said before, and we have no connection whatsoever with
22 the Department of Transport. Generally the Department of
23 Transport has with us a liaison officer, but we have our
24 own staff of advisers. Captain Scott is our Nautical
25 Adviser. We have other advisers in Ottawa. We are not
26 reporting to the Department of Transport, but the Government
27 of Canada.

28 Of course, the first months were used for or-
29 ganization. We had the first meeting in December and of
30 course we had to give the time to the various organizations



1 concerned for preparation. We started in February in the
2 Prince Edward Island and since we have been all across
3 Canada from coast to coast. After Prince Edward Island
4 we went to New Brunswick, Saint John and from there we pro-
5 ceeded to the west coast where we spent a month, from
6 Prince Rupert to Victoria. Just as an example to show you
7 how different pilotage may be in Canada, here you have one
8 coastal pilot district which is about 6 to 7 miles long.
9 If you measured the coast you would see about 3,000 miles
10 of coast if you count the inlets and all the islands and
11 so on. You could compare it with the pilots here being
12 despatched from Quebec or Montreal.

13 After that we proceeded to Newfoundland and we
14 spent two weeks in Newfoundland, St. John's, Lewisporte,
15 Botwood, Corner Brook and also Port aux Basque. After that
16 we did last week the north shore of the St. Lawrence River
17 at places where there are no official pilotage organizations,
18 only private pilotage. We found not only what was organized
19 by the Government of Canada but what is organized locally.
20 We found, just to show you another example, we found
21 that normally the reason for pilotage is security but
22 at Seven Isles, Sept Ille the representative told us
23 that wasn't the reason for that, that they just wanted to
24 speed the port for other ships at their piers because it
25 meant money for them. It wasn't really for shipping security.
26 You see all the aspects of pilotage that we have found.
27 That is why we are going places to see them, all the
28 organizations. After w finish here in Nova Scotia at
29 North Sydney we will be starting on the St. Lawrence River
30 and then finish with the Great Lakes. We may pay a visit



1 to Hudson Bay and Churchill because there is a pilotage
2 problem there for the short season they have.

3 When our public hearings are finished by a final
4 hearing in Ottawa for all those who want to come there
5 and address us really our main task is just going to
6 commence because that will mean studying all the facts that
7 we have gathered, sorting them, rearranging them, and then
8 the research. We will have to do a lot of research.
9 Then is ~~the~~ drafting of recommendations and our reports.

10 As to the public hearings, as I mentioned before
11 we proceed as before a Court of Justice, We have to draw
12 conclusions and we have to have the facts to support our
13 conclusions and our recommendations. For that, of course,
14 for our recommendations or conclusions to have weight we
15 must have the best evidence possible, and ~~as those~~ who have
16 something to do with the Courts of Justice know the only
17 reliable way to do so is through the normal tedious and
18 reliable method as in a Court of Justice, that is well
19 proven documentary evidence and/or evidence under oath.
20 It is tedious, it is long, but it is reliable, and the
21 only reliable one. This evidence is given in public sitt-
22 ings and hearings so that everyone interested can cross-
23 examine the witnesses and bring other evidence to complete
24 the picture and reestablish facts if they weren't complete
25 or not absolutely true. Therefore I would ask the Counsel
26 to abide as much as possible by the normal rules of
27 evidence. That means in direct examination no leading
28 questions. Of course in cross-examination you have all
29 the opportunity, you are free to put any leading questions
30 there. We are coming to you at every place where there is



1 pilotage, because we have to get to the facts and in order
2 to get those facts we have to come and to learn those facts
3 from those who make them and live them. You who are going
4 to take the stand are witnesses. I would ask you to give
5 all the facts to us, the complete picture. We have to
6 work on what you are going to tell us. If we don't get the
7 real picture our conclusions are going to be wrong, so we
8 will ask your help. If for one reason or another you see
9 later on something was forgotten it would be a great help
10 to us if those new facts were conveyed to us by letter or
11 otherwise. If it is important enough we will call another
12 meeting. Of course you know the preparation and the expense
13 it requires so unless it is absolutely necessary we will
14 not come back. I will just come back again to the fact that
15 it is not a trial. It is a Commission case. I
16 will ask Commission Counsel, Mr. Jacques to begin. We
17 will have a short recess.

18

19 ---Short recess.

20

21 MR. JACQUES: My lord, I would like to
22 put in various exhibits. The first one the Halifax Pilotage
23 District General By-laws will be Exhibit 328.

24

25 ---EXHIBIT NO. 328: Halifax Pilotage District
26 General By-laws.

27 MR. JACQUES: As Exhibit 329 the Nova
28 Scotia South East Coast and Bay of Fundy Pilot.

29

30 ----EXHIBIT NO. 329: Nova Scotia South East Coast and
Bay of Fundy Pilot.



1 MR. JACQUES: Chart 4325, Approaches to
2 Bay of Fundy will be Exhibit 330. Chart 1218, Shelldrake
3 River to Egg Island is Exhibit 331. Chart 4320, Approaches
4 to Halifax as Exhibit 332. Chart 3350, Halifax to Cape
5 Sable, Exhibit 333. Chart 4311, Egg Island to Pennant
6 Point as Exhibit 334. Chart 4316, Halifax Harbour as
7 Exhibit 335. The last chart, 4310, Bedford Basin will be
8 Exhibit 336.

9

10 ---EXHIBIT NO. 330: Chart 4325, Approaches to the Bay
11 of Fundy.

12 ---EXHIBIT NO. 331: Chart 1218, Shelldrake River to Egg
13 Island.

14 ---EXHIBIT NO. 332: Chart 4320, Approaches to Halifax.

15

16 ---EXHIBIT NO. 333: Chart 3350, Halifax to Cape Sable.

17

18 ---EXHIBIT NO. 334: Chart 4311, Egg Island to Pennant Point.

19

20 ---EXHIBIT NO. 335: Chart 4316, Halifax Harbour.

21

22 ---EXHIBIT NO. 336: Chart 4310, Bedford Basin.

23

24 MR. JACQUES: Before proceeding with the
25 examination of witnesses I should like to read into the
26 record a letter which the Commission has received from
27 Shaw Steam Co. It is dated Halifax, May 9, 1963. It
28 reads as follows:

29 "Dear sirs: Thank you for your letter of
30 May 2nd re hearings on Pilotage. We particularly



1 do not intend to attend hearings, but we
2 would stress a point, and this is that
3 pilotage be eliminated at all Canadian Ports
4 on Canadian registered vessels where a pilot
5 is not required, that is on vessels of 1000
6 gross tons and less.

7 As we are having hard times as it is
8 so it will not do for the Commission to
9 recommend that we pay pilotage at ports such
10 as Sydney, Halifax, where our small ships pay
11 no pilotage now.

12 We would recommend on small ships of
13 Canadian registry that pilotage be optional
14 at ports such as Corner Brook, St. John's,
15 Port aux Basque, Saint John, New Brunswick,
16 where we have to pay compulsory pilotage now.

17 Trusting that our recommendations
18 receive every consideration we are:

19 Yours very truly,
20 Shaw Steamship Co. Ltd.

21 W. A. Shaw."

22 I should also like to read another letter which
23 was received from Foundation Maritime Limited. It is dated
24 May 8, 1963 and it reads as follows:

25 "Gentlemen: We have no particular comment
26 to make other than we have always enjoyed
27 good relations with the pilots in Halifax
28 and the St. Lawrence River.

29 We would suggest increased use of
30 radiotelephones by the Halifax pilots to



1 give their commands to our tug boat
2 captains. In our opinion this system
3 is superior to that of ship's whistle
4 and/or mouth whistle.

5 yours very truly,

6 FOUNDATION MARITIME LIMITED

7 (signed) H. C. Hilroy
8 DISTRICT MANAGER - MARINE."

9 Now sir I should like to read into the
10 record a third letter which has been addressed to the
11 Commission by The Honourable V. J. Pottier, Justice in
12 Admiralty in the Admiralty District of Nova Scotia. It
13 is dated at Halifax, May 23, 1963 and reads as follows:

14 " Re: Royal Commission on Pilotage

15 Sir: I have before me your letter of May
16 2, regarding sittings of your Commission at
17 Halifax during the period of May 28 - 31
18 next.

19 I called a conference of the leading
20 members of the Bar in Nova Scotia that have
21 to do with Admiralty practice. They have
22 no suggestions to make regarding repres-
23 entations for your Commission. I have
24 had, personally, no cases where pilots were
25 involved which left me with a feeling that
26 any changes should be made concerning marine
27 pilotage.

28 I understand that the pilots having
29 to do with Halifax Harbour and the approaches
30 will be making a representation to your



Commission. I feel I should indicate that in all the cases I have had where pilots were involved, they proved themselves qualified and I have nothing but the highest commendation for them all.

I therefore will not be making any representations. I thank you for your courteous and kind invitation.

Respectfully yours,

V. J. Pottier
Justice in Admiralty."

Now my lord I should like to call Captain A. D. Latter, District Supervisor of Pilots here in Halifax. I wish to state that I do so with ²emotion because I have had the pleasure of sailing with Captain Latter several years ago and I have also had the pleasure of serving under one of the pilots who is in the audience to-day.

Needless to say I may feel embarrassed at times when examining these men.

ALLAN DOUGLAS LATTER, sworn

THE SECRETARY: Give your name, age and occupation?

THE WITNESS: I am 34 and my occupation is District Supervisor of Pilots, Halifax.

DIRECT EXAMINATION BY MR. JACQUES:

Q Would you speak very loud please. How long have you been District Supervisor of Pilots in Halifax sir?

A. Since March, 1961.

Q Prior to becoming the Supervisor did you have any experience at sea, and if so, would you briefly



1 state it?

2

3 A Yes. I went to sea in 1945 and remained at

4

5 sea until this appointment in 1961, sailing on the lower

6

7 deck and later as an officer with various commercial companies

8

9 and finally with the auxilliary fleet of the Royal Canadian

10

11 Navy in Halifax.

12

13 Q Do you hold any certificates?

14

15 A I hold a first mates foreigngoing certificate

16

17 endorsed to Master Home Trade.

18

19 Q. When was it endorsed to Master Home Trade?

20

21 A 1956.

22

23 Q Have you had occasion to trade into Halifax

24

25 Harbour when you were going to sea?

26

27 A Yes, I have traded into Halifax Harbour

28

29 with both Imperial Oil and Saguenay, and, in addition,

30

31 with the naval fleet, of course. We were in and out of

32

33 Halifax Harbour continually.

34

35 Q Would you describe to the Commission the

36

37 information, if any, that is contained in your establishment

38

39 books?

40

41 A. The establishment book and the license

42

43 register contain information regarding each pilot. For

44

45 instance, the time of his appointment as a pilot, apprent-

46

47 iceship, if he serves any, any qualifications. Any

48

49 accidents that he may have had while piloting, any lengthy

50

51 illnesses due to injury while piloting. In other words,

52

53 anything that has to do with a man as a pilot in this

54

55 district. These records have been kept since the 1800's

56

57 in the Halifax office in the establishment book.

58



1 Q Sir have you prepared a statement from these
2 two registers showing the name of the pilot, the type of
3 certificate he holds, its number, date of issue ~~of~~ license
4 and length of service as a pilot?

5 A. Yes sir, I have.

6 Q This statement would be filed as Exhibit
7 337.

8 THE CHAIRMAN: I understand that this book,
9 or this document here you are filing is only for the pilots
10 actually on strength?

11 THE WITNESS: Yes sir. I did not take any-
12 thing out of the book of pilots who are not employed with
13 us now.

14
15 ---EXHIBIT NO. 337: Extract from establishment book
16 and register license showing name,
17 type of certificates, number of
18 certificates and the date on which
19 the license was issued, together with
20 length of service for each pilot in
21 the District of Halifax.

22 Q. Under your by-laws you have the direction
23 of the pilots and you may make orders for the effective
24 carrying out of the by-laws and you may make orders con-
25 cerning the conduct of the pilots, the use of the buildings
26 and also the attendance before yourself. Have you made
27 any such orders at any time since you have been in office?

28 A I have on occasion made directives as
29 far as the despatching of pilots went, on one occasion.
30 I have made numerous requests that have been followed but
no definite order. I have not changed the system any,
if this is what you mean.



1 Q Were these directives oral or in writing?

2 A. In one case in writing and the remainder have
3 been oral or with one notice to all pilots, not individual
4 letters.

5 Q I show you a document sir. Would this be
6 the order which you have made in writing?

7 A. Yes, this is one of the orders in writing.

8 Q I should like to file it as Exhibit 338.

9

10 ---EXHIBIT NO. 338: Directive concerning E. T. A.'s

11

12 Q. Now you say that you made well perhaps
13 not verbal orders but verbal directives. You gave directives
14 to the pilots. Would you state the subject matter of
15 these directives?

16 A. The one that stands out in my mind is the
17 relieving of pilots on station and a pilot concluding his
18 outboard trip and returning to the harbour when in fact
19 there was a ship due and he would come back in the pilot
20 boat and we would have to send another pilot out to bring
21 the ship in.

22 This was the only directive in that matter that
23 I had to make.

24 Q. Would you recall individual directives
25 which you have made?

26 A. Without making it a direct directive,
27 I would request that the pilot make more use of radio-
28 telephones in working with towboats. This was caused
29 because Foundation asked me if this could be done.

30 Q Have you made any other directives as regards



1 the use of radio-telephones?

2 A. The radio-telephones on the pilot boats are
3 not normally used by pilots. They are used by the officers
4 on the boats. The pilots are considered passengers on the
5 pilot boat and with everybody talking on the telephone, it
6 just caused too much confusion so the Master of the boat
7 used the telephone and he naturally would phone in any
8 messages the pilot wishes to pass.

9 Q Have all your directives been followed at
10 all times by your pilots?

11 A. With the exception of the most recent one,
12 that radio-telephone, yes. There has been no difficulty
13 at all. In the case of radio-telephones some pilots
14 hesitate to use this new method, and I must admit that the
15 new tugs in the harbour haven't radio-telephones and you
16 could not always be sure that they had a telephone to
17 receive your frequency.

18 Another complaint is that the telephones supplied
19 are of too great a weight to bother carrying up the ladder.
20 This in heavy weather I understand, but in harbour when
21 you board a ship in port there is no excuse for this. In
22 addition, every ship is supposed to have a man at the
23 gangway or pilot ladder and he could easily pass a line and
24 have the phone carried up. I don't consider this a
25 legitimate excuse.

26 Q Are the licenses which are issued to pilots
27 here limited in any way as to tonnage or duration or length
28 of time in which they are granted?

29 A. Each pilot's license is equal until he
30 reaches age 65. After the age 65 he receives, after a



1 medical examination to the Authority's satisfaction, a
2
3 temporary license and he only holds this so long as he can
4 pass two medical examinations per year and this temporary
5 license is renewed each year until the age of 70 when he
6 is forced to retire.

7 Q. As stated by yourself then there is no
8 limitation on the licenses which are issued in this district?

9 A. No sir, there is no limitation.

10 Q Under the by-law you collect pilotage
11 dues. Would you state to the Commission what sort of books
12 you keep in that respect?

13 A Well the accountant in our office keeps a
14 journal, of course, a cash receivable ledger, accounts
15 ledger and, in addition to this, our dispatch staff of
16 course keeps track of the jobs that have been ordered and
17 who they are to be billed to. These all finally end up
18 in the bill that is sent to the shipowner or agent.

19 Q Have you ever had any difficulty in collect-
20 ing pilotage bills?

21 A. Not until recently, but a few months ago
22 I was forced to, under the Canada Shipping Act, hold a
23 ship at Dalhousie for an outstanding pilotage account. It
24 was paid within four or five days and the vessel was re-
25 leased. That is the only time since I have been here that
26 has had to be done, with the exception of another company
27 who has refused pilotage. The matter was sent to Justice
28 for a decision and the decision has been given that they
29 will have to pay.

30 Now this was only last week, so I haven't had a



1 chance to see if they are going to pay or not.

2 Q. You have not asked them yet?

3 A. I have not asked them yet.

4 THE CHAIRMAN: This is a judgment that was
5 rendered?

6 THE WITNESS: This was a judgment that was
7 rendered.

8 MR. JACQUES: No. It is an opinion given
9 by the Department of Justice, my lord.

10 THE CHAIRMAN: By the Department of Justice?

11 MR. JACQUES: Yes my lord.

12 Q Does your staff check the tonnage which is
13 stated in the pilots' source form for accuracy?

14 A. Yes, it is checked with Lloyd's or any
15 other means that we happen to have available. I must admit
16 sometimes they do not agree. If I find the pilots' source
17 form tonnage is greater than Lloyd's, and I call the agent
18 and he says that Lloyd's is correct, then I use the tonnage
19 in Lloyd's.

20 It has happened lately that many ships have
21 been made open shelter decks, and they enter as open shelter
22 decks and go out as closed shelter decks, and it can be
23 confusing to the despatch people making up the bill and
24 even many agents don't know for sure what has happened.

25 COMMISSIONER SMITH: Do they remove plates
26 in order to create the shelter decks?

27 THE WITNESS: Yes sir. They remove the
28 water-tight doors and she is then an open shelter deck
29 ship. By law she then sends her one register away and
30 keeps only a register at a time but it isn't always possible



1 for me to get to a ship and see his register. The bill may
2 not come to my attention until after he has sailed and
3 in many cases, on the foreign ships, it would mean nothing
4 to me anyway.

5 Q Well sir the law provides that a vessel
6 may not be granted a clearance until such time as pilotage
7 dues are paid. How do you apply this section of the
8 Canada Shipping Act?

9 A. In this area I apply that section which is,
10 I think, 341 to 344 with the local agents who are well
11 known and established businessmen; if they are representing
12 the ship, and the ship is permitted to sail, the bills
13 go to the agent and we normally allow thirty days before
14 we send a reminder. If a ship has not an agent, she pays
15 before she clears.

16 The biggest offenders we find on this pilotage
17 dues are the fishermen, these are foreign fishermen who
18 normally do not have agents, especially the American ships
19 and the small coasting vessels that sail on a coasting
20 custom clearance. They, therefore, can enter and leave
21 the harbour at any time without clearing customs and unless
22 a pilot or somebody spots these ships, they come in and
23 out and carry merrily along on their way and nobody knows
24 they have been here.

25 The other ships, of course, we receive each day
26 a list from customs what ships have entered and cleared
27 harbour and if a ship turns up on this list that has not
28 had a pilot and not paid pilotage, we then bill him if
29 he comes under the Act, of course.

30 Q. Would you be able to trace how many ships



1 have evaded the payment of pilotage dues last year?

2 A. I traced one company for three months
3 recently and I believe, if my memory serves me correctly,
4 there were 39 trips, That would be one way.

5 Q Has anything been done about that?

6 A Well the only thing --

7 Q Don't mention the name of the company,
8 please?

9 A. I didn't. The only thing that we can do,
10 I understand from the Harbour Master's Office, any ship is
11 obliged to let them know their cargo and how much they
12 discharge or load, so recently we have an agreement that
13 each week my despatch office calls the assistant harbour
14 master who gives him the tonnage of ships of a company
15 we are suspicious of, and we can bill for pilotage.

16 Q. Have you been successful in collecting the
17 bills so far?

18 A. This is the case again I have just received
19 the Justice Department's opinion on. How successful I
20 will be, I will know next week.

21 Q. Would you describe how the-despatching of
22 pilots is done in Halifax?

23 A. Yes. Halifax have a 24 hour a day despatch
24 signal service office. It is manned each day of the year.
25 On duty for each eight-hour period is a despatcher, and
26 we have two telephones along with a radio-telephone in this
27 office. An agent requiring a pilot, or a ship requiring
28 a pilot either phones on the shore telephone, sends a
29 telegram through the radio station at Chebucto Head
30 or sometimes directly from the ship on the ship-to-shore



1 telephone.

2 We require a three-hour E.T.A. for a ship arriving
3 in Halifax. This, of course, being because our district
4 is so far away from our dock it takes us the best part of
5 an hour and twenty minutes to get there, and we have to
6 get the pilot to the boat so when the ship's E.T.A. is
7 received in the office, the duty despatcher then calls the
8 next pilot on turn and informs him that this job will be
9 his, tells him the particulars of the ship, where she is
10 berthed, who her agents are, and what time she will be on
11 the station.

12 The pilot can board the pilot boat and goes out
13 and boards the ship. In the case of a ship leaving the
14 harbour, we only require one hour's notice and the agent
15 usually phones the pilot office giving the name of the ship,
16 what pier she is at, what time he wants her to sail and
17 the pilot boards the ship in the harbour.

18 Then the liaison between the despatcher and the
19 pilot boat -- you must realize that the boat sometimes is
20 on station for 18 hours, and we have to let her know what
21 ships are coming in and going out so she can take the
22 pilots off and put them on. This is done by radio-telephone
23 between the despatcher and the pilot boat and the man I
24 hold responsible for the operation as a whole is the captain
25 of the outside pilot boat.

26 He controls the inside pilot boat and on occasion
27 places his vessel, and the small vessel so the system
28 runs smoothly.

29 THE CHAIRMAN: You have inside and
30 outside pilot boats. I suppose you will cover that later



1 on?

2 MR. JACQUES: Yes my lord. I was just going
3 to ask him to differentiate between the outside and inside
4 pilot boat.

5 A. In Halifax we have three pilot boats. One
6 is 56 feet long, one is 52 feet long and one is 42 feet
7 long. The two larger boats are both equipped with radar
8 and the one larger one has two different frequencies of
9 telephones, it's V.H.F. and M.H.F. It is the main outside
10 boat which takes the pilot off and in the pilotage district
11 of Chebucto Head that large boat is strictly a stand-by
12 boat and used in emergency, in cases of breakdown.

13 The small steel 42 foot boat is not equipped with
14 radar and it is used principally, or it was designed to
15 be used within harbour limits. For instance, to transport
16 a pilot from here to Imperial Oil which is in Dartmouth
17 or here to Eastern Passage or to board a ship at anchor.
18 Often the large boat which is outside does not have time
19 to come back into the dock to pick up a pilot, therefore,
20 this harbour boat must take the pilot out to the large
21 boat outside

22 The big difference between the harbour boat and
23 the outside boat being the harbour boat has no radar and
24 not particularly keen on steaming around in thick fog out-
25 side.

26 COMMISSIONER SMITH: While we are on the
27 question of pilot boats, there is a suggestion in the
28 pilots' brief that they repair these boats at the wrong
29 season of the year, the busy season and that should be
30 changed. They should be left in service during the busy



1 season and repaired or overhauled, whatever needs to be
2 done to them, in the slack season.

3 THE WITNESS: This I agree with, sir.

4 However, we have three boats and only two are required at
5 one time. With the exception of once have I had to bring
6 in an outside boat when one of our boats was in for refitting
7 and the other one broke down. We were in trouble.

8 This year we did major changes on the large
9 pilot boat, and these changes went out on tender to the
10 various firms in the area, including the District Marine
11 Agency.

12 His price was the lowest. He could only do the
13 work in the winter when his carpenters, who he would have
14 to lay off otherwise, would not be employed and this job
15 was done by the District Marine Agent in the winter, and
16 there was never any holdup in any way because this boat
17 was held up.

18 The pilot brief, I can imagine - I know that
19 the boat that was laid up is the better of our boats. She
20 is more comfortable so I can see why they put this in
21 the brief. I agree with them. All we can do is have our
22 refits carried out in the summer. This is not always
23 possible. Shipyards are not always available in the
24 summer.

25 Q Now what about this third boat? What
26 is her job? What does she do?

27 A She is the standby boat and she is equipped
28 and capable of doing the outside piloting or the harbour
29 and she is used when, as often happens, older boats or
30 one of the other boats has to be in for repairs. For



1 instance, just a three hour job on the main engine of the
2 outside boat, some little thing goes wrong, we cannot
3 afford to have the boat out of commission for three hours,
4 you may have four ships in that three hours so the crew
5 transfer to the duty standby boat and proceed with her
6 while repairs are done on the regular boat.

7 Again, on the refit we cannot afford to lay one
8 boat up. It just wouldn't work, so during our refit periods
9 the standby boat acts as the regular boat.

10 Q Would you have any record on how often
11 this third boat has been used last year?

12 A I do not have it with me. I can tell you
13 that she has been used, since last summer she had a complete
14 new engine job done. She was off two months, went back in
15 service for something like two months and has been out
16 since then until last week. The standby boat has been
17 doing all the work. We have now attained a certificate
18 for the boat until May of next year and I hope with a little
19 luck that she will keep on running.

20 Q. When she is not on duty is she manned?

21 A Two of the boats are manned continually.
22 A standby boat is tendered at the jetty and the crew can
23 board it from one of the other boats if and when required.

24 Q So the standby boat does not have a
25 separate crew?

26 A No. We just have the boat. It isn't
27 separately crewed.

28 Q So you have one crew for your harbour
29 boat and one crew for your pilot boat which goes on station?

30 A. We have four boat crews. We have a



1 master for the outside boat and an engineer for the outside
2 boat and two deck hands, one of them must hold at least a
3 40 ton certificate. These men operate the inside boat.

4 A. If one of the boats broke down, depending
5 on which one it is, the crew coming in take over. Occasionally
6 we will call in an extra crew to perhaps tow a boat in that
7 has broken all of a sudden with a standby boat.

8 Q. Has that happened last year?

9 A. It has happened three or four times in the
10 past two years I have been here that we would have to do
11 that.

12 Q. Have you ever had occasion to hire boats
13 from outside your Department?

14 A. Not in my history because we have liaison
15 with the Navy. I borrow the boat from the Navy and it
16 doesn't cost me anything.

17 Q. How often have you borrowed a boat from
18 the Navy?

19 A. Just once. Two of our boats collapsed at
20 the same time. It was one of those things.

21 Q. How long did you make use of the Navy craft?

22 A. I had it on standby for four days and I
23 never had to use it. If I hadn't had it I would have
24 needed it. There was no call for it. I couldn't take the
25 risk. I had to have a boat available.

26 Q. She was a standby for four days?

27 A. Four days.

28 Q. Now sir, were you ever requested to change
29 this boat setup which you have here?

30



1 A It was suggested by my Department that the
2 boat setup be changed.

3 Q. Were they changed, in fact?

4 A They weren't changed.

5 Q. They weren't changed. Now, sir, have you
6 got a separate file of each of your pilots here?

7 A. Yes. In addition to the establishment book
8 we keep a separate personal file on each pilot.

9 Q. What information is contained in the file?

10 A Practically everything about the pilot
11 is contained in the file, income tax deductions, how much
12 money he is paid, how much money we owe him at any given
13 time, his sick leave, his annual leave, his injury leave,
14 his leave without pay - practically everything -- his
15 accidents, any disciplinary measures that have had to be
16 taken. That is all in it.

17 Q. Now, sir, you mentioned income tax. Do
18 you pay the income tax on behalf of the pilots?

19 A. Yes.

20 Q. From your office?

21 A. We deduct income tax at source.

22 Q. Is the T.D. 1 form signed by each pilot?

23 A. A T.D. form is signed by each pilot.

24 Q. Do you prepare the T.4 slip?

25 A. The T.4 slips are prepared, I believe, in
26 our office. These are given to the pilots, of course.
27 The Department of Transport is given as the pilots
28 employer on the T.D. 1 slip, Department of Transport,
29 Halifax Pilotage Authority is given as employers.

30 Q. How does it read exactly?



1 A. It reads name of employer is given as
2 Halifax Pilotage Authority, Department of Transport, and
3 it is on the T.D. 1 form.

4 Q I see. Do you make any payments for
5 Unemployment Insurance?

6 A. No, sir.

7 Q. Workmen's Compensation?

8 A. No, sir.

9 Q. None. You also mentioned that in this record
10 you kept track of leave of absence, leave without pay,
11 leave with pay, sick leave et cetera. Would you describe
12 the actual leave system in force in 1962 in the District?
13 You may in order to facilitate the recording of this take
14 one pilot as an example, not mention his name, but how
15 much leave apart from sick leave would one pilot get?

16 A. Do you wish the leave the pilot is entitled
17 to under our by-laws?

18 Q No, I wish to know the actual leave, the
19 actual time off?

20 A. Well, I would like to make it clear first
21 our by-laws allow three weeks annual leave each year.
22 A pilot injured on duty is entitled to six months leave
23 on full pay and six months leave with half pay and a
24 pilot sick, but not injured on duty, just off sick is
25 entitled to two months leave with full pay and two months
26 leave on half pay. Those figures are from our by-law.
27 What, in fact happens, and I don't know how long this goes
28 back, probably like many things in Halifax it is history
29 now, each summer the pilots divide themselves through their
30 committee into two groups and each group work for one month,



1 and the other group have a month off. This runs through
2 generally from May to October. Then in October all the
3 pilots come back to work again but each week two pilots are
4 off on leave. They alternate two pilots each week during
5 this period from October to the next April. As I said
6 it isn't in the by-laws. It is an agreement among the
7 pilots. I have never had occasion to require more pilots
8 than we have on duty at any time. I have never had to go
9 looking for a pilot, shall we say. They work this
10 amongst themselves. There has never been a time
11 when a ship has been held up because this is going on
12 and personally I have no complaint about this. It hasn't
13 held us up in any way.

14 Q. Does this mean you have on your assignment
15 list only 16 names during the winter and 9 names during
16 the summer?

17 A. That, in fact, is true. We have 19 pilots.

18 Q. I am sorry, I thought it was 18?

19 A. 17 names. I might clarify that, Mr. Jacques.
20 On the assignment list I have all the names unless the
21 pilot lets me know he is unavailable for work. He is on
22 the assignment list as far as I am concerned. I have all
23 the pilots on the assignment list both summer and winter.
24 In fact they have agreed among themselves that when it
25 comes to my turn you will take over and we will have 8
26 people revolving instead of the normal 19.

27 Q I see. In fact during the winter there are
28 17 pilots available?

29 A. There are 17 pilots in the winter in
30 rotation.



1 Q. And in the summer?

2 A. There are 8 or 9 depending which half of
3 the gang you have.

4 Q. Now, these leaves which you have described
5 is that over and above the leaves stipulated in the by-laws?

6 A. This is an addition, yes, to the leave
7 stipulated in the by-law. It is pretty hard to get three
8 weeks in the summer when you already have two months. It
9 is included in that

10 COMMISSIONER SMITH: Excuse me. I notice
11 that the old by-law gave them leave after completing one
12 year of service for a period not exceeding 30 calendar
13 days, and then it is cut down to 21 days. What was the
14 explanation?

15 A. I don't know, sir. That will be a matter
16 of policy and I wasn't in on that.

17 COMMISSIONER SMITH: Thank you.

18 Q. Am I right in assuming that the leave stip-
19 ulated in the by-law is taken at the same time as they
20 take their month off?

21 A. Yes, the normal procedure is to --

22 Q. They are concurrent?

23 A. Yes, only the three weeks coming together.

24 That is the pilot will say I will take three weeks leave
25 at the end of my month off, so I will have 7 weeks.

26 Q I see, so they are not concurrent?

27 A. They are not concurrent but they are taken
28 in the same period.

29 Q. Now, would you tell us for one pilot who
30 hasn't been off on sick leave or special leave of any kind,



1 how many days leave would he in fact have in one year?

2 A. Yes. Do you want these leaves -- it is
3 confusing, Mr. Jacques. I have records of the leave that
4 he is given under the by-laws, that he takes as sick leave
5 or injury leave, but I don't have a record of the leave
6 they have arranged among themselves, when they split in
7 gangs, two gangs in the summer and two gangs in the winter.

8 THE CHAIRMAN: It is a matter of mathamatics.

9 THE WITNESS: This could be done through the
10 records I keep of pilots, the work load sheets. You can
11 see when a man didn't work.

12 THE CHAIRMAN: He could be standby, avail-
13 able?

14 THE WITNESS: Yes, he is available. When
15 this leave is being taken they are still available as far
16 as I am concerned.

17 MR. JACQUES: We will show the Commission
18 how the records are kept in one moment.

19 THE CHAIRMAN: With regard to the question
20 of computing how many days it is a matter of mathimatics.
21 The Commission will be able to do that after having heard
22 the evidence of the witness.

23 BY MR. JACQUES:

24 Q. Have you prepared a summary of all leaves
25 granted to all pilots for the years 1958, 1959, 1960 and
26 1961 in accordance with the by-laws?

27 A. Yes, sir.

28 Q. Will you file this as an exhibit.

29 THE SECRETARY: 339. Could I have the
30 correct description?



1 MR. JACQUES: 339, Summary of leave granted
2 to pilots in accordance with the by-laws for the years
3 1958 to 1961 inclusive.

4

5 ---EXHIBIT NO. 339: Summary of leave granted to pilots
6 in accordance with the by-laws for
the years 1958 to 1961 inclusive.

7

8 MR. JACQUES: Have you also prepared a
9 list of the days any given pilot was off the assignment
10 list either for reason of sick leave, annual leave or
11 other leave?

12 A I have.

13 MR. JACQUES: Would you file this as
14 Exhibit 340, Detailed statement of the days on which any
15 given pilot was off the assignment list by reason of sick
16 leave, annual leave or other reasons.

17 THE SECRETARY: The same period, Mr.
18 Jacques?

19 MR. JACQUES: 1958 to 1961 inclusive.

20

21 ---EXHIBIT NO. 340: Detailed statement of the days on
22 which any given pilot was off the
assignment list by reason of sick
23 leave, annual leave or other reasons.

24

25 Q. Now, sir, these documents mention other
26 leave. Will you explain what is meant by other leaves?

27 THE CHAIRMAN: Before you carry on, have
28 the other counsel a copy of that? Has it been circulated?

29 I understand there is only one copy of this
30 document and there are a few other documents that you wish
to file. Perhaps you could file them and then we will



1 adjourn for a few minutes so counsel can have the opportunity
2 for purusing or consulting them. Have you any other docu-
3 ments to file like that?

4 MR. JACQUES: I have a series of documents
5 which have been prepared by the witness, My lord, They
6 are the Administration expenses for the year ended December
7 31, 1962. I would like to file that as Exhibit 341:

8
9 ---EXHIBIT NO. 341: Administration expenses for the year
10 ended December 31, 1962.

11 MR. JACQUES: As Exhibit 342, a document
12 entitled General Statistics which shows for the years
13 1958 to 1962 the pilotage --

14 THE CHAIRMAN: Inclusive?

15 MR. JACQUES: Inclusive, pilotage earned,
16 amount paid to pension fund, average income of pilots,
17 full share, boat service fees, number of pilots, number
18 of accidents minor, number of strandings, number of major
19 collisions together with an explanation of the boat service
20 fee, the meaning of the number of the accidents minor,
21 the number of strandings and the number of major collisions.
22 That will be Exhibit 342.

23
24 ---EXHIBIT NO. 342: Document entitled General Statistics
25 which shows for the years 1958 to 1962
26 inclusive pilotage earned, amount
27 paid to pension fund, average income
28 of pilots, full share, boat service
29 fees, number of pilots, number of
30 accidents minor, number of strandings,
number of major collisions together
with an explanation of the boat service
fee, the meaning of the number of
accidents minor, the number of
strandings and the number of major
collisions.



1 MR. JACQUES: As Exhibit 343, a statement
2 of operating expenses for the pilot boats for the years
3 1958 to 1962 inclusive.

4
5 ---EXHIBIT NO. 343: Statement of operating expenses for
6 the pilot boats for the years 1958
7 to 1962 inclusive.

8 MR. JACQUES: I would like to file the
9 Annual Returns of the District for the year ending December
10 31, 1962 as Exhibit 344.

11
12 ---EXHIBIT NO. 344: Annual Returns of the District
13 for the year ending December 31,
14 1962.

15 MR. JACQUES: The annual returns for the
16 year ending December 31, 1961 as Exhibit --

17 THE SECRETARY: Could they be filed in a
18 bunch?

19 THE CHAIRMAN: Do you wish to? If you
20 prefer to file them separately go ahead.

21 MR. JACQUES: I would prefer to. The 1961
22 report will be exhibit 345 and the 1960 report 346.

23 ---EXHIBIT NO. 345: Annual Returns for the year ending
24 December 31, 1961.

25 ---EXHIBIT NO. 346: Annual returns for the year ending
26 December 31, 1960.

27 COMMISSIONER SMITH: Mr. Jacques, in
28 connection with the exhibit filed here with regard to
29 accidents and casualties, you are coming back to that
30 topic, later, are you?



1 MR. JACQUES: Yes, sir. We are filing
2 exhibits now so the other counsel may have an opportunity
3 to look at them before going any further. That is all for
4 the moment, my lord.

5 THE CHAIRMAN: We will adjourn for a few
6 minutes.

7 ---short recess.

8
9 MR. JACQUES: I have a few more exhibits
10 to file. They were perused by counsel during the adjourn-
11 ment. Exhibit 347, a list of casualties where pilots
12 were involved in 1962, giving the date, the casualty, the
13 name of the ship, the name of the pilot, the nature of
14 the casualty, the probable cause and penalty, if any. That
15 is from 1956 to 1962 inclusive.

16
17 ---EXHIBIT NO. 374: List of casualties 1956 to 1961
18 inclusive.

19 MR. JACQUES: As Exhibit 348 in a bundle
20 the balance sheet of the pension fund for the years 1962
21 to 1961.

22
23 ---EXHIBIT NO. 348: Balance sheets of pension fund
24 for the years 1962 to 1961.

25 MR. JACQUES: As Exhibit 349 a list of
26 the pensioners for the District, giving the name, status,
27 date of retirement where applicable, date proceeded on
28 pension and also giving a list of the widows of the pilots
29 lost on the Hebridean boat.

30



1 ---EXHIBIT NO. 349: List of pensioners for the District.

2 MR. JACQUES: Lastly, Exhibit 350, a summary
3 of the pilot work load for the month of August, 1962 which
4 is supposed to be the least busy month in that year.

5
6 ---EXHIBIT NO. 350: Summary of pilots' work load for
7 the month of August, 1962.

8 BY MR. JACQUES:

9 Q. Now, sir, Exhibit 350 was prepared by
10 your office. Would you have with you the documents or the
11 records which served to prepare that exhibit?

12 A. 350, which exhibit was this, please?

13 Q. The work load?

14 A Yes, I have, sir. I have the documents
15 that explain it.

16 Q Now, sir, would you describe the form
17 and the information contained in these records starting
18 with the left-hand column?

19 A The form that we endeavour to fill out --
20 I must say this form is no longer in use. It was cancelled
21 in October of last year, however up to that period it
22 was kept. It was titled Record of Pilots' Work Load.
23 It is broken down into each day and has the time in ship,
24 the time travelling, time on assignment list, time on leave
25 other than sick leave and the time off sick. When this
26 form was being used to compile the information we
27 were required each month to file these and we sub-divided
28 into two forms. One form was put aboard the pilot boat
29 and the captain of the boat was responsible for filling
30 this form out. This form was in columns and it was called



1 the Pilots' Log of Travelling Time to and from station.
2 It had the date on the first column, the place travelled
3 from and the place arrived at in the second column and the
4 time it took to do this travelling and the total time.
5 This is the total time the pilot spends on the pilot boat
6 either going to or from a district or on jobs. Each month
7 the time was taken off this document and transcribed on
8 to the form we have just given. In addition to that when
9 the Pilots' Source Form---

10 MR. JACQUES: Just one moment. I would
11 like to file this form as Exhibit 351.

12
13 ---EXHIBIT NO. 351: Record of Pilots' work load.

14
15 MR. JACQUES: My lord, the Source Form
16 used in the District is similar to that used in other
17 districts administered by the Minister of Transport.

18 THE CHAIRMAN: It is a D.O.T. form bearing
19 No. 83-0005(1907).

20 MR. JACQUES: Will you continue, please?

21 A. From the Source Form -- there is a place
22 in the Source Form where the pilot must fill in the time
23 he boarded the ship and the time he left the ship. From
24 the Source Form we obtained the time the pilot was actually
25 on board the ship. On the other form we obtained the time
26 it took to get to and from the ship. These we combined
27 on the original that went to headquarters and the balance
28 of the time, unless on sick leave or assigned for leave
29 with pay he was considered to be on the assignment list.

30 So the column shows time on ship, time



1 travelling, time on assignment and time on leave. The
2 first two columns plus the third column total the number
3 of hours in any one month.

4 COMMISSIONER SMITH: Captain, did I under-
5 stand he must always hold himself in readiness for any
6 calls that may come?

7 THE WITNESS: He may not leave the district
8 without permission of the Supervisor. The system in Halifax
9 where the pilots operate in rotation and we have 18 pilots,
10 a pilot that completes a job now has to wait for 17 men
11 to do a job before he is recalled. From experience the
12 pilots know as well as anybody in Halifax in the winter
13 months we are fairly busy and in the summer months many
14 times he would only have one job a week, so he holds
15 himself in readiness but he can gauge it, being in touch
16 with the despatcher, knowing what is coming and how soon
17 he will be on.

18 MR. JACQUES: Coming back to the form
19 called the Department of Transport record of pilots' work
20 load which was kept for last year, you stated that this
21 information, time on ship, time travelling, time on assign-
22 ment et cetera - this is sub-divided. Time on assignment
23 includes the place "from and to." What entries would you
24 make there?

25 A. The original sheets which I have would
26 show, for instance, from Queen's Wharf to the pilot station.

27 Q. Yes?

28 A. From Pier 25 to Pilot Station. From Queen's
29 Wharf to Burnside.

30 Q. That would be a shifting would it not?



1 A. This would be either a shifting or a ship
2 sailing from Burnside and the pilot boat from Queen's Wharf
3 to reach the ship. These are the ships the pilot boat
4 met with this man, and he would be taken in there, either
5 going to get him or bringing him back.

6 Q. The time which is shown next to that would
7 be the time as shown on the pilots' source form?

8 A. No. Yes, pardon me, the time there is the
9 time taken from the pilots' source form. The amount of
10 time the pilot was actually on board the ship.

11 Q. And the places included under time on ship
12 would be the assignment which the pilot did?

13 A. Under the places -- under time travelled?

14 Q. No, time on ships?

15 A. Would be assignment, yes.

16 Q. And the next columns we have time travelled,
17 place, from, to, that would be the time the pilot was
18 on the pilot boat being transported from point A to point
19 B?

20 A. That is correct.

21 Q. To do a job?

22 A. That is correct.

23 Q. And the next column would be the time
24 spent on pilot boat would it not be?

25 A. That is right, the total time.

26 Q. Now under the heading time on assignment
27 list, how do you reckon this time?

28 A. Unless a pilot has informed me that he
29 wishes to be off the list, that he is sick or that he is
30 on leave, he is considered on the assignment list 24 hours



1 a day.

2 Q. So the number of hours on assignment list
3 would be calculated for him deducting from 24 hours the
4 time on ship as given in the pilots' source form, time
5 travelled as given in your pilot boat's log, that will be
6 the time on assignment?

7 A. That is correct.

8 Q The next column is time on leave and the
9 last one time off. Is that correct?

10 A. Right.

11 Q. Time on leave, which leave do you show
12 in that regard?

13 A On that time on leave I would only show
14 the three week annual leave which is provided by the by-law
15 or leave without pay, if I were requested.

16 Q. You would show the official leave?

17 A I would show the official leave, yes.

18 Q. Not unofficial leave?

19 A. No.

20 Q. From these records is it possible to determine
21 the length of unofficial leave?

22 A. Yes, sir.

23 Q. It is? Would you explain how it is done?

24 A. I have one sheet here for a pilot in the
25 month of August. As you will see, the date of the week
26 is down in this side (indicating).

27 Q. On the left-hand side?

28 A. On the left hand side. This man has been
29 working because his time on the assignment list is less
30 than 24 hours. In those periods you can see where he is



1 working. When you come to this period here (indicating)
2 you will see that he was on leave for 24 hours for those
3 number of days, and when you move over here (indicating)
4 you will see he was on the assignment list for an equal
5 number of days but was not on leave. This would mean he
6 did not work in this period. He was not on leave.

7 THE CHAIRMAN: Is this form filed as an
8 exhibit because you are talking of a form?

9 THE WITNESS: The form was filed, your
10 honour, I believe.

11 THE CHAIRMAN: You are saying here and here,
12 you see. This won't show on the record.

13 MR. JACQUES: This form was filed previously
14 in Saint John, New Brunswick.

15 THE CHAIRMAN: Do you recall the number?

16 MR. JACQUES: I do not recall the exact
17 number, no. For the sake of the record here in Halifax,
18 we will file another form which the witness will bring
19 this afternoon. A blank form which will be filed as
20 Exhibit No. 352. A blank sample form of record of pilots'
21 work load.

22 Q So you can determine from this record merely
23 by looking at the column entitled "time on assignment
24 list" whether the pilot was on leave or not?

25 A. Yes sir.

26 Q. On unofficial leave?

27 A. By looking at the time on the assignment
28 list, if the pilot was listed there for 24 hours, in this
29 case it has been 7 days, by cross-checking this with my
30 despatching log, I can tell you whether that pilot was on



1 rotation.

2 In other words, maybe for 7 days there was not
3 a job, so he did not work. It is unusual but it sometimes
4 happens. However, by checking with my despatch log, I
5 can soon tell whether jobs had come up, and this pilot
6 would have had a job. If he did not have a job and he has
7 been on the assignment list, it means that he is on unofficial
8 leave.

9 Q. Do you still keep the record of pilots'
10 work load?

11 A No sir.

12 Q. When have you stopped keeping that record?

13 A. If my memory serves me right, it was
14 October or November of last year. One of these months
15 for sure.

16 Q. So your records would not show a full
17 year for 1962?

18 A. No sir.

19 Q But they would for 1961 would they not?

20 A This form was brought into use shortly
21 after I came in the district. I am not sure whether I
22 could show a full year. I don't believe I could. I think
23 I am about two months short.

24 THE CHAIRMAN: I think this form, from
25 what I saw, is a regular D.O.T. form?

26 THE WITNESS: It was a Department of
27 Transport form, yes.

28 THE CHAIRMAN: You are not keeping that
29 now?

30 THE WITNESS: No.



1 THE CHAIRMAN: Why?

2 THE WITNESS: I was directed by my head-
3 quarters to stop keeping them.

4 Q. Sir, do you keep an official assignment
5 list?

6 A. I don't quite understand your question
7 sir.

8 Q. Do you have a list where the names of all
9 pilots who are not on official leave, or sick leave or
10 leave of absence, are shown?

11 A. Yes. This is kept in the despatching
12 office. Anybody who is not on leave, as you mentioned, is
13 on the assignment list and takes his turn in rotation.

14 Q. Would there be another assignment list
15 giving only the names of those who are not on official
16 leave, sick leave or leave of absence and unofficial leave?

17 A. The procedure is, that, for instance, as I mentioned
18 in the winter two pilots are off on unofficial leave
19 each week. The pilots who are going to be off inform the
20 despatcher that this is their week off and there is
21 no trouble in this way because believe me a pilot will not
22 do a turn and let somebody slide along unless he is officially
23 off, in their official capacity. There is no problem.
24 If the pilots agree to -- they do select the two men that
25 will be off that week and the despatcher is informed and
26 does not call them. That is it.

27 Q Now is this the only way that you know
28 who is on unofficial leave?

29 A Technically speaking I don't know that
30 there is anybody on unofficial leave. As far as I am con-



1 cerned they are all on the assignment list, unless they
2 are on annual leave, sick leave or leave without pay.

3 Q. So there is no request made to you to go
4 on that particular leave which has been called unofficial
5 leave?

6 A. Not a request, no. The Committee in the
7 spring of each year give me a list of the men that will
8 be on duty each month, for my convenience. In the winter
9 they give me a list of who, the first two men who will be
10 taking their leave, and following around. I have this,
11 yes, if I want to look it up.

12 THE CHAIRMAN: What kind of leave are you
13 speaking of here?

14 THE WITNESS: Unofficial leave.

15 THE CHAIRMAN: You have a list of them?

16 THE WITNESS: I have a list. It doesn't
17 concern me really because if something official comes up
18 I require the man, and the pilots are not in the district
19 and working, there will be problems if I couldn't reach
20 them. As I said, this has never happened.

21 Q. Now sir have you also prepared a statement
22 showing the pilots' work load for the month of March, 1962?

23 A Yes, I have sir.

24 Q. Would you file a summary of Pilots' work
25 load for the month of March, 1962 as Exhibit No. 353.
26 Is this a statement taken from your records of pilots'
27 work load?

28 A. Yes sir.

29

30 ---EXHIBIT NO. 353: Summary of Pilots' Work Load for
March, 1962.



1 Q. It was kept for that month?

2 A Yes sir.

3 Q. How would the form for March compare with
4 the other months of the year as regards shipping?

5 A. Well you have the summary, sir. The number
6 of ships are practically triple the times in the winter, as
7 in the summer, so the work load would jump up accordingly.
8 I have the March summary here. We will take one pilot.
9 He spent 43 hours on a ship and 29 hours travelling. In
10 one month, one pilot in March. I don't have the other,
11 but it could be compared with a month in August.

12 Q. Would the month of March be a busy month
13 in the year 1962?

14 A. In this case it was. I picked the largest
15 and the smallest month of the year 1962.

16 Q. So March would be the busy one and August
17 the least busy one?

18 A. That is correct. I might ask, Mr. Jacques,
19 the August copy of this seems to have eluded me and it
20 is the only record I have. I would like to have it back.

21 Q. I will be glad to return it to you.

22 A. You can have the summary if you wish.

23 Q. Have you prepared a summary from your pilot
24 boat log books for the month of August, 1962 and March,
25 1962?

26 A. I have. These are kept weekly.

27 Q. Would you file this as Exhibit No. 354?

28

29 ---EXHIBIT NO. 354: Summary of pilot boat work for
30 week ending August 18, 1962
and March 10, 1962.



1 Q. Why have you chosen those two weeks?

2 A. I chose one week in March and one week in
3 August at random to fit in with the rest of the things I
4 prepared which were for March and August.

5 Q. My lord I am moving on to a completely
6 different subject. If it is convenient to your lordship,
7 perhaps we could adjourn now?

8 THE CHAIRMAN: We will continue to 1:00
9 and adjourn until 2:30 if that is convenient to everyone.

10 Q. Now sir would you explain to the Commission
11 how and when pilots are paid in your district and what
12 accounts you keep and what statments do you give them?

13 A Yes. The pilots are paid in this district
14 equally from the revenue of the district. The normal thing
15 is to pay twice a month, on the 15th and 30th of the month.
16 Our revenue varies from month to month, and in fact, from
17 year to year in each month so in order to not find ourselves
18 in a position where our bank account is overdrawn, or where
19 we have a loan outstanding, each month at the first of
20 the month I normally set the pay for the month.

21 I set it usually, if I can, as near to the
22 earnings as I can from experience with other years so that
23 I will have sufficient monies left in the bank to protect
24 the bank account. When I decide what we are going to pay
25 in the month, this is given in two payments, one on the 15th
26 and one on the 30th.

27 Now at the end of the month, if the billing in
28 the district, if our ledger shows that I have quite a
29 surplus left over, then it is carried on until the next
30 month when maybe I will pay a little higher because I have



1 this surplus.

2 If the accounts do not come in quickly, which
3 sometimes happen, big accounts are just not coming in,
4 of course we may find ourselves having to use the surplus
5 to make a decent payment in the following month. This
6 surplus carries on through the year. We try to keep it
7 without letting it get too high. At the end of the year we
8 then pay the surplus and close the books at the end of
9 March.

10 This year the surplus was just paid the last
11 few days. The books were not able to be closed because
12 the accounts had not all come in. Two or three days ago
13 they all came in. We paid the surplus and now we are start-
14 ing off again on a new year. This indicates how the
15 pilots are paid. Their income tax, as we have mentioned,
16 is deducted before they are paid, and, in addition, on
17 the same bill to the agent or shipowner we charge the
18 \$10.00 boat charge each time a pilot is taken off or put
19 on a ship entering or leaving the district and this, of
20 course, is returned monthly to the Receiver General.

21 Q. This surplus which is carried to the end
22 of the year, the pilots share equally in that surplus?

23 A The pilots share equally only for the
24 length of time they have been on the assignment list,
25 yes. If they are on annual leave, of course, they will
26 share equally. If they are on sick leave, no, they do
27 not share in this surplus, as you call it.

28 If they have had four or five months off sick
29 leave, the rate they receive is calculated on the time
30 they have had off on sick leave and this portion that would



1 normally go to them is divided among the men who actually
2 do the work.

3 Q Would these pilots on sick leave receive
4 a monthly wage, as it were, or remuneration which you fix
5 every month?

6 A. Yes. If they are on sick leave with full
7 pay, they would receive the full pay. If on sick leave
8 with half pay, they would receive half of it.

9 Q Half of it?

10 A. Yes. The other half of course would be
11 divided among the pilots who were working.

12 THE CHAIRMAN: You say half of it. What
13 do you mean by half of it?

14 THE WITNESS: If he has been on sick leave
15 for over six months for an injury on duty, he is entitled
16 to six months full pay and six months on half pay.

17 THE CHAIRMAN: How do you calculate the
18 full pay?

19 THE WITNESS: The full pay is when I say
20 at the first of the month we will pay X number of dollars
21 this month. That is considered the full pay.

22 Q. And what about the surplus that is being
23 carried on?

24 A. If he is on sick leave, he does not share
25 in this. We had occasion, your honour, in two cases that
26 I can recall where we had a slack month and there had been
27 a pilot on sick leave for two months and had he shared in
28 the surplus, he would have made more money than the men
29 who had worked for the two months, so I had no alternative
30 but to sort of straighten this out.



1 I talked it over with the Pilots' Committee. They
2 went to their members and they agreed that if you were on
3 sick leave, you couldn't hardly share in the surplus and
4 end up making more money than the men who were actually
5 working.

6 THE CHAIRMAN: Have you a written record
7 of that meeting?

8 THE WITNESS: I do not. No, I don't have.
9 Usually when the pilots and committee and myself meet, we
10 do not keep a record.

11 COMMISSIONER RENWICK: Did you say six
12 months full pay?

13 THE WITNESS: Six months full pay and six
14 months half pay.

15 COMMISSIONER RENWICK: Reading from the
16 by-laws here they indicate, under 24, Paragraph 5A, "sick
17 leave with full pay for a period not exceeding two months."

18 THE WITNESS: I was talking sir about being
19 injured on duty.

20 COMMISSIONER RENWICK: I am talking about
21 sick leave.

22 THE WITNESS: I stand corrected. Two months
23 full pay and one month half pay for sick leave

24 Q And injured while on duty it is six months?

25 A. Six months, yes.

26 Q. I show you a document entitled "Halifax
27 Pilots Committee Income Statement June, 1962. Would you look
28 at it and tell me whether this is prepared in your office?

29 A It is signed by me so I would say it
30 was prepared in my office.



1 Q. Would you explain to the Commission what
2 information is contained in that statement?

3 A Well the first items are the earnings.

4 Q. This statement is for what month?

5 A. June, 1962. The earnings for June 1962
6 are shown in that statement. The advances that have
7 been made to the pilots, this would be their wages.

8 Q Which you have fixed?

9 A Which I have fixed for the month of June,
10 yes, are shown in the statement. The reserve for the
11 pension fund is shown in the statement. Postage for the
12 office. In this particular statement one pilot was
13 unfortunately killed in a car accident and the gratuities
14 given to his wife are shown in the statement.

15 Also shown in the statement under sick and absent
16 are the pilots who were sick and absent for two months.
17 Then are shown the share in this surplus for the man I
18 mentioned who was killed. In this case there was one man
19 sick and there is shown his share and then it shows the
20 shares of the others who were not sick.

21 COMMISSIONER SMITH: In connection with
22 your decision with regard to how much will be paid out in
23 a certain month, and regulation of your bank balance, and
24 all that, do the pilots agree with your decision in every
25 instance?

26 THE WITNESS: I would not say they agree
27 in every instance. Sometimes they come to me and say well
28 can we have a little more, the port has been busy and if
29 our receipts in the month are such that I can, I try to
30 keep the earnings as high as possible without jeopardizing



1 the account and worrying about some bills not being paid.

2 There has not been any great problem about this.

3 Actually I have, after making a decision in the month,
4 paid a supplementary pay perhaps half way during the month.

5 I saw that it was a busy month and in fact we were getting
6 our money back quickly. I endeavour personally to keep
7 the money out of the bank and into the pilots hands. At
8 the same time, I have to be careful I do not find myself
9 in debt with the bank.

10 COMMISSIONER SMITH: As a rule they agree
11 with you?

12 THE WITNESS: As a rule they agree with me,
13 yes.

14 Q. Now this income tax statement which has
15 just been mentioned, is it prepared every month?

16 A. It is prepared every month, yes.

17 Q I would like it filed as an example
18 statement for June, 1962, as Exhibit 355.

19
20 ---EXHIBIT NO. 355: Sample Statement - Entitled Halifax
21 Pilots' Committee Income Statement
for June, 1962.

22
23 Q Now sir, coming back to Exhibit 355, you
24 see a mention of gratuity. Is that covered in any way by
25 your by-laws?

26 A I don't believe it was sir. In this case,
27 where, as I said, the pilot was killed in a car accident,
28 the Pilots' Committee had a meeting with the rest of the
29 pilots and they all signed and agreed to pay this gratuity.
30 I am not certain, but I believe they agreed on three months



1 full pay and some months on half pay for the wage. I don't
2 want this to go down as a fact. I am not certain of this.
3 I would have to look it up or ask my accountant who is
4 in court to-day. She may remember.

5 Q. You have a written document authorizing
6 you to deduct from the earnings a particular amount and pay it
7 to a particular person?

8 A. That is correct.

9 Q Do you receive very often such authorization?

10 A No sir, very rarely. This, as I say,
11 being a widow of a pilot killed off duty -- the only other
12 time I received a thing like this would be, for instance,
13 if the Committee wished to go to Ottawa on business. They
14 would want money from the fund and then each pilot would
15 have to agree and if they did, and signed a paper, then
16 I would give them money from their fund.

17 Q Did you receive a document in the last
18 instance which you have mentioned?

19 A No, I didn't.

20 Q Signed by all the pilots?

21 A. No, I didn't. At that particular time I
22 phoned my headquarters and received permission to give the
23 money.

24 Q Now in the case of the widow of the pilot
25 who was killed in an accident, do you have a written
26 document authorizing you to deduct from the earnings the
27 amount that you have paid?

28 A Yes. I can say for certain I have the
29 agreement of the pilots.

30 Q Would you search your files and bring that



1 document this afternoon?

2 A. I will do so sir.

3 Q This unofficial leave which is taken by
4 pilots, is it with pay or without pay?

5 A As I explained, they are still considered
6 by the Department to be on the assignment list so this
7 is with full pay.

8 Q You pay them just the same?

9 A Yes.

10 Q. Now Exhibit 355 shows the total earnings
11 for the month, advances to pilot, reserve for pension
12 funds, office postage and gratuities and this total of
13 expense is subtracted from the earnings?

14 A. Yes.

15 Q Now these earnings, do they represent
16 money in the bank or is that the total amount of the
17 bills which were sent or is it the total amount of pilotage
18 which was done? What does it represent?

19 Q It represents the total amount of bills,
20 not counting your boat charges, that have been invoiced
21 during the month of June. It doesn't necessarily mean
22 we had that money in the bank on the last day of June.

23 Q And it doesn't necessarily mean that pilotage
24 was done in that amount in that month. Is it possible to
25 have a ship in the last day of June, the invoice be sent
26 in July and would that ship be included in the total
27 earnings?

28 A. That ship would, because we invoice the
29 day the job was done so even though the invoice would have
30 been mailed a week later, a ship would be shown. This would



1 come from the Pilots' Source Form and if the date was June,
2 it would be shown here as being billed in June.

3 THE CHAIRMAN: If, for instance, you were
4 unable to collect one of your bills, is it going to be shown
5 on that statement?

6 THE WITNESS: It is shown. This is the
7 amount we have billed, not the amount that we have collected.
8 This is why I say I have to estimate the wage a month in
9 advance and hope we receive this money and this is also
10 why we keep the surplus. It is divided each month into
11 shares, as it shows there, so that in case we have a weak
12 month, the pilot can still be paid.

13 Q. Have you ever been out of funds?

14 A No, sir.

15 Q. This has never happened; that you over-
16 estimated earnings?

17 A. It has got awfully low, but we have never
18 been out of funds.

19 Q. Now sir, the other mention is sick and
20 absent. There is a pilot's name and June 1st-3rd, three
21 days?

22 A. He was sick for three days in the month
23 of June. He was absent for three days. It is evidently
24 sick leave because it is not leave without pay. It
25 would be noted there.

26 Q. The next mention is shares. The pilot
27 was absent, there is a special amount and for others there
28 is a greater amount?

29 A. Yes.

30 Q What is shared at that point?



1 A. This over here (indicating).

2 Q. The difference between total earnings and
3 the expenses including advances to pilots' administra-
4 tion, postage and gratuities.

5 A. That is shares by the pilots who have
6 worked.

7 Q. Who have been on the assignment?

8 A Who have been on assignment lists all the
9 time.

10 Q. After you paid the pilots a fixed wage,
11 the amount of which you set yourself or sometimes by dis-
12 cussing it with the pilot, you pay that first?

13 A. Yes.

14 Q And then you pay the pension fund?

15 A. Right.

16 Q. And then you pay postage or other expenses?

17 A. Yes.

18 Q Anything such as gratuities?

19 A. Yes.

20 Q This is totalled up and deducted from the
21 earnings?

22 A From the earnings of that month, yes.

23 Q. Which reduces the balance?

24 A. Correct.

25 Q Is it possible that there is no balance?

26 A This sometimes happens.

27 Q. Or that you are in the red?

28 A. Yes, it has sometimes happened, but let me
29 put it this way, after June the balance sheet showed this
30 figure. If I over guestimate how much I should pay in



1 July and was somewhere within that figure short I could have
2 used this amount of money to make up for July.

3 Q. Would you share the deficit the same as
4 you share the surplus?

5 A. I will admit you are getting too deep in
6 accounting. If you like I will call my accountant.

7 MR. JACQUES: May I interrupt to call his
8 accountant to the stand?

9 THE CHAIRMAN: There is only ten minutes
10 left. Could you go on and take the accountant afterwards?

11 MR. JACQUES: Yes.

12 Q. I note there were annual returns for 1962
13 filed as Exhibit 344 on Page 5, a statement of income and
14 disposition of income, reserve and surplus, statement
15 of reserves and surpluses and statement of boat service
16 for the year 1962. Now this document contains, the first
17 mention is earnings. Would that be the total earnings of
18 the district?

19 A Yes, sir.

20 Q. For the year 1962?

21 A. Yes, sir.

22 Q. What does that represent, bills or the
23 total amount of assignments done in that year?

24 A. For each assignment, sir, there is a
25 bill so it would represent the amount of bills as well as
26 the amounts of assignments done for the year.

27 Q If a ship hadn't paid her bill in 1961 for
28 pilotage done in 1961 but paid it in 1962 would that bill
29 be included in the earnings of 1962, that amount?

30 A The bill would be included in the statements



1 of the earnings, but the statement of the reserves and
2 surplus would show you that the bill hadn't been paid. In
3 other words there is X number of bills to collect after the
4 end of March, 1962.

5 Q. Would you explain the mention "Refunds and
6 Adjustments"?

7 A. Refunds and Adnustments -- in some cases
8 possibly an error was made in the bill and the agent or
9 shipowner spotted it and returned it to us. Naturally we
10 would correct it. In another case possibly we charged a
11 ship, again it would be an error in the bill, for example
12 we charged full charge when, in fact, it was Canadian
13 registered and should only be half charge. These things
14 sometimes creep into bills and this is what this figure
15 would represent.

16 Q. Again on Page 5, the disposition of income;
17 first mention is pilots' shares. Would that include the
18 wage which you paid every month and also the share?

19 A. Yes sir, that would be the total money
20 that the pilots received.

21 Q. Now, sir, under the heading "Expense" there
22 is mention of administration and postage. I don't think
23 that needs any explanation. Would you briefly sum up what
24 expenses are included in that "et cetera"?

25 A Oh in the postage et cetera. I will leave
26 that for my accountant, if you please.

27 Q The next mention is Pilots' Indemnity
28 Policy?

29 A. Yes.

30 Q Would you explain that?



1 A. We pay on the authorization of the pilots
2 this figure yearly for their indemnity policy.

3 Q. Have you a written authorization by all
4 pilots?

5 A. This I don't know, sir. The practice was
6 here when I came and I continued the practice. I couldn't
7 say if I had written authorization.

8 Q. Would you look through your file and see
9 if there is one?

10 A. I will do that, sir.

11 Q. Have you got this policy with you, sir?

12 A. No, sir. I shall bring it this afternoon.

13 Q. For the moment would you know what sort of
14 policy it is?

15 A. No sir, I have no idea.

16 Q. Could you explain next what is meant by
17 reserves and surpluses, first reserves for pilots
18 pension fund and the next one is retained for subsequent
19 distribution?

20 A. I would ask this be referred to my
21 accountant.

22 Q. I am referring to Exhibit 341 which contains
23 the administration expenses. Would you explain where you
24 obtained this information?

25 A. This information was obtained from our
26 records, journals in the office. The salaries of the
27 people of the district who are civil servants, the despat-
28 chers' salaries, the salaries of the boat crews, the
29 telephone, long distance calls, despatchers, pilot boats,
30 telegrams, electricity to run the district, of course, are



1 all obtained from bills which we receive each month and pay
2 and record.

3 Q. Would these be the only expenses which you
4 have connected with the administration of the pilotage
5 office in Halifax? I am not talking about pilot boats,
6 just the office, the shore staff.

7 A. Yes, as far as I know. I am not sure --
8 we are in a federal building. I am not sure whether or
9 not there is any rent paid for our office space. This I
10 don't know. From my office this is the only expense.

11 Q. Now, sir, exhibit 343 deals with the
12 operation of the pilot boat and the figures given are from
13 1958 to 1962 inclusive. What would these figures represent?
14 Would they be merely upkeep for your boats and operating
15 expenses or would they include any addition to the boats
16 in new equipment which has been installed?

17 A. They would include all of these, the upkeep
18 of the boat, operating expense, the new equipment, main-
19 tenance of the ship.

20 Q. Last year what new equipment did you buy?

21 A. Last year we bought two new inflatable
22 life rafts and two two-man dingies. We also had a new
23 radio-telephone.

24 Q. Was that installed last year?

25 A. They were installed just recently.

26 Q. What type of telephone?

27 A. General Electric, V.H.F.

28 Q. Would you explain very briefly to the
29 Commission what a V.H.E. telephone is?

30 A. A V.H.E. telephone is a radio-telephone



1 on very high frequency, relatively short range, but free
2 of static. We have these on the pilot boats with three
3 frequencies. We have frequency for normal calling to
4 another ship, frequency for the district pilotage harbour
5 control and inter-ship frequency to talk from ship to ship.

6 Q. This was installed last year?

7 A. Last year.

8 Q. On all boats?

9 A. On all boats.

10 Q. All three boats?

11 A. The original sets we had were V.H.F.,
12 but got only one frequency, so we were required to have
13 new equipment.

14 Q. They were replaced?

15 A. They were replaced.

16 Q. On all three boats?

17 A. On all three boats.

18 Q. What other equipment was installed on
19 these boats last year?

20 A. As I say we changed the life saving
21 equipment on the boats. We got rid of the old life boat
22 sort of thing which isn't very practical on a small
23 boat and supplied the boats with a new inflatable life
24 raft along with small dinghies. These, of course, were
25 up to the requirement of the Steamship Inspection Service
26 Regulations, and obtained their recommendation,

27 Q. Apart from radio-telephone, rafts and
28 dinghies, was there any other equipment installed?

29 A. The one boat was completely rebuilt inside,
30 whether you call this new equipment...



1 Q. It is a major alteration?

2 A. It was an expensive alteration. By looking
3 at the annual report I think these things are broken
4 down a little more.

5 Q. Which report?

6 A. Take 1962.

7 Q. 1962, what page?

8 A. On Page 8 you will see Canada Pilot No. 5,
9 you will notice the figure in Exhibit 343 is broken down
10 there into seven items, fuel and lube oil, repairs, which
11 you will notice is a large figure. The boat had a complete
12 engine job done on her which is expensive.

13 Q. How old is she?

14 A She was built in 1946, I believe.

15 Q Would you know for how many passengers
16 she is licensed?

17 A She is licensed normally for 8.

18 Q. Eight passengers?

19 A Total of eight.

20 Q. Total of eight, crew and passengers?

21 A. And she had two crew. Her license as far
22 as passengers go, of course, is controlled by the number
23 of life rafts that she carries and she carries an eight-
24 man inflatable life raft.

25 THE CHAIRMAN: Before you go any further
26 we were a little confused. The names of the ships are
27 the Canada Pilot Boat No. 5, the Canada Pilot Boat No. 6
28 and the General Page. General Page is a she?

29 THE WITNESS: And army boat, your honour.

30 Q. Beginning with the Canada Pilot Boat No. 5 --



1 Canada Pilot No. 5, I should say, the figures you have
2 under your Statement of December, 1962, how do they compare
3 with the figures of the previous year?

4 A They were pretty near the same figures
5 as the previous year. The next one, when you glance at
6 it would make it seem much higher. In refitting boats
7 it sometimes happens a boat has a refitting late in the
8 fall when the shipyards are slow in submitting their accounts
9 and therefore the bill isn't paid until next year, and
10 next year comes along and you have a refitting in August
11 or September of next year so you are paying for two
12 refits in one year as far as the record shows. This
13 sometimes happens.

14 Q. Did that happen with the Canada Pilot No.
15 5 in 1962?

16 A. No, but it is in the next one, the
17 General Page for 1962.

18 Q. Last year's bill may have been included.

19 A Last year's bill was included in General
20 Page's refit. Canada Pilot No. 5 has a large bill there
21 for repairs. She had her new engine as well as her
22 generator completely rebuilt this year and it is fairly
23 expensive to do this sort of thing This was done by a
24 local firm in Halifax.

25 Q. Is the Canada Pilot No. 5 the wooden
26 boat?

27 A. She is wooden, normally the outside boat,
28 the largest of our boats and the one that does most of
29 the work.

30 Q. Which is the steel craft?



1 A. Canada Pilot No. 6 is the little steel
2 craft.

3 Q And the General Page?

4 A. Is the standby boat and most ancient.

5 Q. How old is Canada Pilot No. 6?

6 A Canada Pilot No. 6 was built in 1956. She
7 was built specifically for a pilot boat, the only one here
8 that was built as a pilot boat.

9 Q. How many passengers would she be licensed
10 to carry?

11 A. Licensed for four passengers and two crew.
12 Her life raft is a six-man raft.

13 Q. How old is the General Page?

14 A. I think '41. I am not sure of that, sir,
15 but she was taken over from the Army after the war.

16 Q She is 41 years old?

17 A Built in 1941.

18 Q. How many passengers is she licensed to
19 carry?

20 A. Same as the Canada Pilot No. 5. She has
21 an eight people raft and is entitled to carry six passengers
22 and two crew.

23 Q This number of passengers, is it exceeded
24 at any time in your district?

25 A I have on occasion had to exceed it. This
26 was when a good number of ships arrived on one occasion,
27 trawlers, and we had to get more pilots out than we had
28 passenger allowance for. I got clearance from the Steam-
29 ship Inspection Service before she left the dock.

30 Q. Before she left the dock?



1 A. Oh, yes. The captain of the boat phoned and
2 said what am I going to do. I phoned to the Steamship
3 Inspection Service and cleared it. This has only happened
4 once. It is unlikely to ever happen again. I don't
5 think it ever happened before.

6 THE CHAIRMAN: Mr. Jacques, you may finish
7 the subject, but I would like to adjourn as soon as you
8 are through with the topic.

9 MR. JACQUES: Yes.

10 Q. I was going to wages and allowances. The
11 question I have to ask, is it a steady figure or has it
12 increased over the past few years?

13 A. It has increased over the past few years
14 for two reasons. We have increased our boat crews.

15 Q. When?

16 A. They were increased by three members just
17 recently, since December.

18 Q. December 1962?

19 A. Yes, sir.

20 Q. Why?

21 A. We felt we needed more crew on one of
22 the boats. The harbour boat normally had one man, and
23 this was considered an unsafe practise so we put two men
24 on it.

25 Q. Two men on your harbour boat. That is
26 one man. You said three?

27 A. No, sir. You must remember we work 24
28 hours a day and it takes 3 men on shift. When one man is
29 hired I must hire 3 to keep the shifts going.

30 Q. Three men for the Harbour Boat?



1 A. Yes.

2 Q Because it was unsafe to have one man only
3
4 on the harbour boat?

5 A This was the reason, yes.

6 Q. So this boat is now manned by a crew of
7 two?

8 A Right.

9 Q. And the other boats are also manned by
10 two man crews?

11 A One boat is manned by a crew of two and
12 the standby boat is not manned unless she is in use.

13 Q. Unless she is in use?

14 A Yes. The other reason, of course, is the
15 civil service prevailing rate employee's pay has gone
16 up, a raise granted by the government, which means the
17 officers and ships crews.

18 Q. As regards your wooden boats, this is
19 strictly a matter of opinion which I am asking you and I
20 am sure it will not bind the Department in any way, it
21 is your personal opinion: how long do you think they
22 will last?

23 A I think they have outlasted themselves
24 now.

25 Q. Is that applicable to both?

26 A Canada Pilot No. 5 we have done an awful
27 lot of work on. She would make an excellent spare boat
28 in this district, but she has reached a ripe old age
29 where she is not going to last much longer.

30 Q. Have you been in all three of them your-



1 self?

2 A Yes.

3 Q Have you had occasion to go outside on

4 them?

5 A. I have done.

6 Q Do you know whether they are dry inside?

7 A. I know they are not.

8 MR. JACQUES: Thank you. I think we will
9 finish on this.

10 THE CHAIRMAN: We will adjourn to 2:30.

11

12 ---Lunch adjournment.

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1 ---After Luncheon adjournment.

2 Q. Would you take your 1962 report sir, which
3 is Exhibit 344, Page 7. This page gives a breakdown of the
4 revenues of the district, inward, outward, movage, can-
5 cellation trials, detention, calibration, compass adjustment
6 and total. The detention column represents a total of
7 \$264.00 for 1962.

8 If they were to divide this figure by the rate
9 fixed for detention in your By-laws, would we have the total
10 number of hours of detention in the district for 1962?

11 A. Yes sir.

12 Q. We would?

13 A. Yes.

14 Q. Would you turn to Page 9 now sir.

15 A. Of the same report?

16 Q. Of the same report, which is a statement
17 of the net tons piloted and you have a column entitled
18 "moves without pilots"?

19 A. Yes sir.

20 Q. Would these be movages within the harbour
21 only or would they include inward and outward jobs?

22 A. They would include inward and outward
23 jobs as well as any ship that was billed for pilotage would
24 be there; any ship that did not use the service of a pilot.

25 Q. Would be listed in that column?

26 A. Yes, sir.

27 Q. Would you in your files also have the names
28 of these ships?

29 A. They would be in the records, yes sir.

30 In order to bill the ship, we would have to have its name.

Q How accurate would this list be, would



1 you say?

2 A. Moves without pilots?

3 Q Yes?

4 A. It would be exactly the number of moves that
5 were billed for compulsory payment of pilotage where a pilot
6 was not requested or the services were not rendered.

7 Q. This morning you stated that this particular
8 company had been trading here and apparently subject to
9 the compulsory payment of pilotage dues and had never been
10 billed?

11 A. This is correct sir.

12 Q. Would there be many other instances of that?

13 A The company I referred to this morning
14 would be the worst offender because of the type of trading
15 they are in. There may be the occasional ship of other
16 companies of the same tonnage, however, the co-operation
17 with other ships is such that they phone us and tell us
18 they have had a ship in or out.

19 Q. So this would be a fairly accurate statement?

20 A This moves without pilots is a very
21 accurate statement, if you will ignore, for the use of a
22 better word, the ships travelling on coastal permits of
23 this one company in particular who had not entered and
24 cleared.

25 Q. Have you had any increases in your office
26 staff recently?

27 A. Just the opposite, sir. We have lost
28 people in our office staff.

29 Q How many did you lose?

30 A. Originally the office was staffed with a



1 supervisor, and an accountant 2, a steno 2 and a clerk 2.

2 COMMISSIONER SMITH: Have you made any
3 application for representations to the Department for an
4 increase in your staff?

5 THE WITNESS: I made an application to
6 bring the staff up to what it originally was sir but at
7 this time austerity was with us. However, the office staff
8 was rescheduled to include instead of an account 2, a
9 clerk 4 and a steno 2 and myself so we have lost, in
10 reality, only one position but we have lost one position
11 of a higher qualification.

12 Q. Now sir we are told about a pilot boat
13 which was lost some years ago. Have you brought with you
14 the transcript of the inquiry?

15 A. I have sir. I would ask that this be
16 returned to me.

17 Q Yes, we will. My Lord, this transcript
18 may be obtained in Ottawa. I should like to have it filed
19 as Exhibit No. 356, to be filed at Ottawa.

20

21 ---EXHIBIT NO. 356: Report of an investigation into
22 the sinking of the Halifax Pilot
23 vessel No. 2, the Hebridean on
the night of March 28, 1940.

24 Q. This inquiry was held at the Custom House,
25 Halifax, Nova Scotia, on Saturday March 30, 1940. The
26 witness has brought, my lord, also a document whereby
27 the pilots of the district authorized them to pay certain
28 monies to the wife of a pilot who was deceased. This
29 is dated May 7, 1962 and it appears to have been signed
30 by all pilots and unless the Commission so wishes, I do not



1 propose to file this document.

2 Sir, have you found any similar documents for any
3 other deductions which you may have had and which were
4 not stipulated in your by-laws?

5 A. No sir, I haven't the insurance policy. There
6 is no document in my files giving this authority. It
7 was renewed in 1955 and it has been going on for some years
8 before that. However, we couldn't locate anything in the
9 files.

10 Q My lord, I would like to file a photo-
11 copy of this policy as Exhibit No. 357. We will have a copy
12 made and return this document to you later on.

13 A. Thank you.

14 Photo copy of Halifax Pilots
15 Indemnity Policy issued by the
16 ---EXHIBIT NO. 357: Navigators and General Insurance
Company.

17 Q. Would you now turn to your by-laws sir,
18 Section 4. This section reads as follows:

19 "Number of pilots shall be determined by
20 the Authority after consultation with
21 the Pilots' Committee."

22 In your term of office have you had occasion
23 to discuss with the Pilots' Committee the number of pilots?

24 A This is beyond my jurisdiction. This would
25 be done at headquarters level.

26 Q. At headquarters level?

27 A. Yes sir.

28 Q. Now would you turn to Section 5 concerning
29 the Pilots' Committee. Do you play any part in the
30 election of this Committee?



1 A. I play the part of having the ballot box,
2 providing the ballots and scrutinizing, with one other
3 of my staff and one pilot, the votes after the pilots have
4 all voted.

5 Q When do the elections take place?

6 A In the month of April.

7 Q How long is the ballot box open for voting?

8 A It is open for voting until I get fed
9 up with it around the place and start phoning to have them
10 come up and put in their ballot.

11 Q Have you got a voters list in order to
12 make sure that all pilots have voted?

13 A. No, I don't. We keep the ballots and we
14 know the pilots and give each pilot a ballot as he comes
15 in. Having 18 pilots and 18 ballots, we know when some-
16 body has not voted.

17 Q. You wait to open the ballot box until such
18 time as all pilots have voted?

19 A. Yes sir.

20 Q. Did you have elections last year?

21 A Yes sir.

22 Q. How long did it take?

23 A. I believe we were in the third week in
24 April before we cleared it up. That was after a few
25 phone calls by myself and my accountant to remind the
26 pilots to come into the office and vote.

27 Q. Section 6, sub-section 3 concerning ex-
28 emptions, have you ever had any difficulty in applying
29 this particular system of exemptions?

30 A. Recently. The case I mentioned this morning



1 was due to this section 346 of the Act. It is the only
2 difficulty I have run into but I did run into difficulty
3 with it.

4 The company concerned read the Act one way and
5 the by-laws one way. I chose to read it another and the
6 case was sent to my headquarters and I received at the
7 end of last week word that in the Department's opinion, the
8 justice end of our Department, I was correct in my inter-
9 pretation of the Act and these people must pay.

10 Q Can you sum up briefly this dispute please?

11 A. The dispute was that the vessel con-
12 cerned was over 1,000 tons and she was of Canadian registry.
13 She is also one of these vessels that sails on a coasting
14 license. Each time she comes in a harbour, she does
15 not have to enter and clear with the Registrar of Shipping,
16 or the Collector of Customs. Consequently, she wasn't
17 shown on our list we receive each day from the Custom
18 people and she had been slipping in and out regularly.

19 However, one day a pilot saw her and put a card
20 in on her. Now this ship has changed registry back and
21 forth from British to Canadian, to my knowledge, after
22 investigation, three times so on the pilots' source form
23 he put British registry and he was quite honest in doing
24 so because the last time he saw her she was British
25 registry.

26 I billed the company, as this vessel was reg-
27 istered as a British vessel, for full pilotage. The
28 company returned the bills and said that they weren't
29 going to pay. I then looked into the matter with the
30 Steamship Inspection People who control all registrations



1 of Canadian vessels and discovered that she had indeed
2 changed registry and was a Canadian registered vessel and
3 I assumed the company had known I had made a mistake and
4 were just not going to pay half the pilotage.

5 I billed them again for half pilotage only this
6 time I dug a little deeper, with the help of the Harbour
7 Master Office and lined up about 12 other trips for this
8 ship and sister ships so I sent all the bills out and
9 these came back with correspondence telling me they weren't
10 going to do this, they never did it before and didn't
11 have to now. This is when I referred it to Ottawa and
12 as I say, the decision has been made that they will have to
13 pay. Unfortunately, this came in on Friday. I have been
14 busy this week and I don't know what the results are going
15 to be from here on. I don't think it will be easy.

16 Q. Will you turn to Section 11, licensing of
17 pilots. Have you ever had occasion to license a pilot
18 during your term of office?

19 A. No sir.

20 Q. Have you ever had occasion to hold or to
21 attend an examination for pilots' license?

22 A. No sir.

23 Q. Have you on your list of pilots any
24 probationary pilots?

25 A We have on our list one person who passed
26 the examination when they were last held who is still
27 eligible to become a pilot, as far as the list is concerned.
28 I would have to refer this to Captain Seeley for the
29 headquarters decision on this but he is still within the
30 age limit of the present by-laws and has passed the ex-



1 amination for Halifax Pilotage.

2 Q From the knowledge that you may have gathered
3 in your files, are you able to say how the system of
4 examination and licensing of pilots worked previous to your
5 being in office?

6 A. The last examination, it was advertised
7 in the papers that the Halifax District required pilots.
8 Then from the candidates that applied -- I don't know how
9 they were screened or in what manner, but they had a written
10 examination and an oral examination and they were marked,
11 of course, and put on the list in merit according to their
12 marks. From that list, I believe 5 pilots have now been
13 taken. Some have dropped off the list due to age, and
14 this one man remains.

15 Q. Would you explain this age business?

16 A. You must be under 45 years of age to become
17 an acting pilot in the Halifax District. Some of these
18 men, have, in the last ten years, reached the age of 45
19 and would, therefore, not be eligible.

20 Q. So you strike them off the list as they
21 become over age?

22 A. Yes.

23 Q. And there is one man left?

24 A. There is one man that is still under the
25 age of 45. I might add sir that in order to be an
26 applicant, of course, they have to have the requirements
27 as laid down in the by-law, the Masters Certificate and
28 two years as Master and be a Canadian subject. This sort
29 of thing.

30 Q. To the best of your knowledge are the



1 pilots here otherwise employed than as pilots?

2 A. No sir, with the exception of public duties,
3 which is acting on town or city councils, this sort of thing.
4 No, they are not employed to my knowledge.

5 Q. Now sir, as regards discipline. Have you
6 ever had occasion to exercise the powers which are granted
7 you under the by-laws?

8 A. No. I have had no occasion to do this
9 sir.

10 Q. Have you ever had any problems with respect
11 to discipline?

12 A. No sir, not in the two years I have been
13 here.

14 Q. Have you had any problem with the use of
15 liquor?

16 A. No sir.

17 Q. Have you ever had occasion to attend an
18 inquiry into a shipping casualty in which a pilot was
19 involved?

20 A. We had occasion recently, five or six
21 months ago, on an alleged stranding in this port where a
22 pilot was involved. I carried out a preliminary investiga-
23 tion myself, sent my report to headquarters, and they
24 in turn sent down the Investigations Officer for accidents.
25 He held another inquiry and on June 10th there is going
26 to be an official inquiry into this accident. That is
27 the only time that I have had anything to do legally with
28 inquiries.

29 COMMISSIONER SMITH: Captain at your
30 preliminary inquiries, are they private inquiries for you



1 to send along your own personal, private report to the
2 Department or are those preliminary inquiries open to ship-
3 owners and other interested people?

4 THE WITNESS: The immediate one that I carry
5 out is strictly for the use of my Department and then the
6 Investigations Officer's inquiry also is confidential. As
7 far as I gather, it's a recommendation to the Minister.
8 He only deals with the people on the ship who are actually
9 witnesses, with the pilots and the pilot's lawyer or
10 counsel, if he so chooses. The shipowners are not in-
11 volved in this at all.

12 COMMISSIONER SMITH: They have to wait until
13 the formal inquiry?

14 THE WITNESS: Yes.

15 Q Did you attend the second inquiry which
16 was held by the Investigations Officer?

17 A I did.

18 Q. What is the procedure that you follow
19 in your inquiry?

20 A. In my inquiry I had the pilot's accident
21 report which is compulsory by the By-law.

22 Q. Is that called a pink sheet?

23 A. A pink sheet and I visited the ship, viewed
24 the damage, spoke to the Master and ascertained from
25 my records on the boat and from the Master's testimony
26 that in fact the pilot was aboard, to my satisfaction, and
27 sent the report to Headquarters.

28 Q. Were you accompanied by the pilot?

29 A. No, I was not.

30 Q Did you interview the pilot personally before



1 sending in your report?

2 A In this particular instance the pilot
3 was injured on the next day on another ship, and he was
4 not in any condition to be interviewed. I talked to him
5 on the phone but I wouldn't want to call it a formal inter-
6 view, due to his health. In fact, this is why the thing
7 has been delayed so long. The pilot is still not well.

8 Q Now when the Investigations Officer from
9 Ottawa came down, what procedure was followed?

10 A He informed the pilot that he could, of
11 course, have counsel.

12 Q Was that done in writing or verbally?

13 A. If I am not mistaken, I believe I was in-
14 structed to inform the pilot that the Investigations
15 Officer was coming and on what day he would be here, verbally,
16 and that he could have counsel, which he did arrange.

17 The Investigations Officer and myself visited the
18 ship and interviewed witnesses of the ship's crew, including
19 the Master and others.

20 Q. Were you accompanied by the pilot and
21 counsel?

22 A. No, just the Investigations Officer and
23 myself.

24 Q. Had they been advised that you would visit
25 the ship and interview witnesses?

26 A. They had been advised and the counsel felt
27 that there was no need for him to proceed to the ship.
28 Then in my office the Investigations Officer held council
29 with the pilot, his lawyer, myself and a stenographer.

30 Q. And a stenographer?



1 A. Yes, and he formed his report on these bases
2 and that is all that has happened to date.

3 Q. Now sir I don't know whether I should be
4 asking you this question, but I will ask anyway: you have
5 read your by-laws. Do you find them adequate here in
6 Halifax?

7 A. You want a personal opinion?

8 Q. Yes?

9 A I find them adequate in some ways. In
10 other ways they leave much to be desired. I would just
11 as soon not be pinned down on what they leave to be desired,
12 if it pleases you.

13 Q I will leave it up to the Commission.

14 THE CHAIRMAN: You have been working with
15 those by-laws for two years?

16 THE WITNESS: Yes sir.

17 THE CHAIRMAN: If you think they are in-
18 adequate in some way, I think we should know in order to
19 make a recommendation on this.

20 THE WITNESS: Well working with these sir
21 is not something you can just pull a thing out of the hat
22 and make a suggestion under oath on. They are inadequate
23 in one way and this is not in any special section, but
24 there is not enough control in the by-law for the person
25 responsible for the district. That is one way they are
26 inadequate.

27 Their tariff rates are unbalanced, another way.
28 For instance, compare the movages to the sailings and
29 arrivals of ships. There is more peril in moving a large
30 ship from one dock to another dock in the harbour, or



1 just as much peril, as to bring her in to anchor. Your
2 remuneration does not just balance.

3 These are two things I can think of right away.
4 By going over the by-laws carefully, some of the ideas are
5 out of date. Others could be wiped out completely and
6 there are some new things that should be in if a district
7 is to be run under this present system.

8 COMMISSIONER SMITH: When were they last
9 revised?

10 THE WITNESS: They were last revised two
11 years ago, about a year and a half ago although the revision
12 was not anything great. They were rewritten, the tariff
13 rates were changed.

14 COMMISSIONER SMITH: This is before you
15 came?

16 THE WITNESS: This is after I came.

17 COMMISSIONER SMITH: After you came?

18 THE WITNESS: They were in the process of
19 being revised when I arrived and shortly after I took the
20 job they went into effect.

21 COMMISSIONER SMITH: Did you make some
22 representations at that time?

23 THE WITNESS: No sir. I had no experience
24 with pilotage at the time and things were all in progress
25 when I arrived.

26 Q. Sir there is a section in your by-laws which
27 states that you settle disputes, if there is a dispute
28 between two pilots as to who should take the job. Have
29 you ever had occasion to use that section?

30 A On one occasion recently a pilot had ex-



1 pected to be taking a ship out. He was inbound on another
2 ship and considered he should be relieved on the way in
3 the harbour on the other ship. In this case I ruled no
4 relief. He was not relieved and I heard no more about it.

5 Q Is that the only instance?

6 A. That is the only instance that I could
7 recall that I have actually had to do that, or felt that
8 I should do that and did. The pilots amongst themselves
9 do not have any difficulty knowing when they are on turn
10 and if conditions warrant it, and they have to miss a
11 turn, they usually call one of their fellow pilots and
12 say will you take my place on this next turn.

13 Q. Thank you very much sir. Your witness.

14 COMMISSIONER SMITH: Mr. Jacques you filed
15 this morning I think an exhibit with regard to accidents.
16 Do you intend to go into that.

17 MR. JACQUES: With the pilots sir.

18 COMMISSIONER SMITH: Not with the Captain?

19 MR. JACQUES: This gentleman has been
20 in office for two years only and I do not think, unless I
21 am very much mistaken, he has been involved in any of
22 these accidents or that he has been a witness to any of these
23 accidents.

24 COMMISSIONER SMITH: However it is
25 immaterial to me, except when the question comes up I do
26 want to ask some questions about it.

27 MR. JACQUES: Very well, sir.

28 MR. DICKEY: My lord, I understand
29 the practice has been followed to reserve cross-examination
30 until the conclusion of evidence. If it is satisfactory



1 to the Commission I think counsel here would wish to follow
2 that procedure on the understanding that Captain Latter
3 can be called back at a later stage for cross-examination.

4 MR. JACQUES: Mr. Anderson.

5 MR. ANDERSON: Yes, I am agreed.

6 THE CHAIRMAN: I have a few questions.
7 Captain, you mentioned in your testimony when we spoke
8 about changes in the boats that were supposed to be made,
9 that were recommended but not carried out, recommended
10 by D.O.T., but not carried out.

11 THE WITNESS: Oh, yes sir, changes in the
12 boat service.

13 THE CHAIRMAN: Boat service, would you
14 explain that a bit?

15 THE WITNESS: The changes that were re-
16 commended were that the harbour boat be used less frequently
17 to transport pilots across the harbour. He could reach
18 that area by car. The harbour boat be restricted to
19 transporting pilots in the harbour to ships at anchor
20 or on occasion in a snow storm when you just can't drive
21 to transport them. In addition that the harbour boat be
22 restricted and not sent outside to pick a pilot up who
23 has completed a job and bring him back home except in cir-
24 cumstances when we were very busy. Those were the suggestions
25 made by the Department.

26 THE CHAIRMAN: They weren't orders, though?

27 THE WITNESS: They were orders enough that
28 I put them in force, and the orders changed within a week
29 and I took them off.

30 THE CHAIRMAN: They were put in force and



1 then cancelled.

2 THE WITNESS: Yes.

3 THE CHAIRMAN: In your figures when you give
4 travelling time, you do not include the time to go to the
5 pilot boat?

6 THE WITNESS: No, sir.

7 THE CHAIRMAN: Just when boarding.

8 THE WITNESS: From the time he gets aboard
9 the boat until he leaves the boat.

10 THE CHAIRMAN: I gather there is no Workmen's
11 Compensation benefits?

12 THE WITNESS: No, sir.

13 THE CHAIRMAN: Do they carry any policy
14 to replace the provincial Workmen's Compensation?

15 THE WITNESS: The Province have a Workmen's
16 Compensation.

17 THE CHAIRMAN: Are they insured?

18 THE WITNESS: The pilots, no, not to my
19 knowledge.

20 THE CHAIRMAN: In lieu of that do they have
21 any insurance of their own?

22 THE WITNESS: This would be personal. I
23 wouldn't know, no sir.

24 THE CHAIRMAN: Those are my questions. Any
25 further questions?

26 MR. JACQUES: One more question: do pilots
27 ever submit expense accounts to you?

28 THE WITNESS: No, sir.

29 MR. JACQUES: They never do?

30 COMMISSIONER RENWICK: One simple question



1 with respect to the Workmen's Compensation, have you ever
2 had a discussion with the Provincial Department of Workmen's
3 Compensation with respect to coverage or otherwise of the
4 pilot group?

5 THE WITNESS: No, I haven't, sir.

6 THE CHAIRMAN: For instance, you had last
7 year, you were telling us, a pilot injured while boarding
8 a ship in the line of duty.

9 THE WITNESS: We have one now out for six
10 months.

11 THE CHAIRMAN: What happens?

12 THE WITNESS: Under the Act he gets six
13 months full pay, six months half pay, and then the Department
14 may look to retiring him or not. At the present time the
15 one pilot has used six months full pay and is on half
16 pay, but he retires in about a month. The other pilot is
17 finishing on the 7th of June with six months full pay, so
18 he will go on half pay.

19 THE CHAIRMAN: There is no provision anywhere
20 with regard to his medical expenses and hospitalization?

21 THE WITNESS: Not to my knowledge, sir.

22 COMMISSIONER SMITH: One other question
23 before you leave, Captain, do you know whether the authorities
24 here that operate the Workmen's Compensation Board would
25 consider pilots as employees or not?

26 THE WITNESS: I don't know, sir. I couldn't
27 answer the question.

28 THE CHAIRMAN: That was never taken up to
29 your knowledge?

30 THE WITNESS: Not to my knowledge.



1 MR. JACQUES: Miss Marshall.

2
3 MISS H. I. MARSHALL, sworn

4 THE SECRETARY: Your full name?

5 THE WITNESS: Miss H. I. Marshall.

6 DIRECT EXAMINATION BY MR. JACQUES:

7 Q What is your occupation?

8 A At the moment I am Clerk 4.

9 Q. For whom?

10 A. For Captain A. D. Latter.

11 Q Madam I show you Exhibit 355 which is
12 entitled Halifax Pilots Committee Income Statement. Would
13 you explain how the shares which are indicated on this
14 document are arrived at?

15 A. Well, for instance the earnings -- first
16 I list the earnings which represent all the pilotages
17 which were billed in the current month. Out of that we
18 take the amount we advance to the pilots which is based
19 on an advance. I withhold five per cent of this for the
20 pension fund.

21 Q. Of the earnings?

22 A. Of the earnings, and then out of that
23 would be the office expense depending on what it is.
24 This month it happened to be postage and gratuities for
25 Mrs. Hickey. That is added up, deducted from the earnings
26 leaving a credit balance of this amount.

27 Q Yes.

28 A When I get the report of the pilots, for
29 instance, this pilot was sick for three days. First of
30 all before that I would have 18 pilots. I would divide 18



1 into this amount.

2 Q. The credit balance would be divided by
3 the number of pilots?

4 A. Yes.

5 Q. Eighteen?

6 A. Yes, then I would take this pilot, he was
7 sick three days. I would take 3-3/30 of this.

8 Q. Of the credit balance?

9 A. To represent his share.

10 Q. Of the credit balance?

11 A. The credit balance and then I would in
12 turn subtract this from the credit balance here and divide
13 the remainder into the remaining pilots.

14 Q. Deduct 3/30th of the credit balance. Would
15 you subtract?

16 A. I made a mistake, I should have said 27/30th
17 because he was sick three days.

18 THE CHAIRMAN: As a matter of fact you divide
19 between all the pilots and the pilot who was ill, say for
20 three days, you would divide his share, the share he would
21 normally have in order to find what those three days
22 are worth in revenue and then you divide those three days
23 revenue among the remaining pilots?

24 THE WITNESS: Yes, I guess that is what
25 it would amount to. I would take 27/30's of this amount.

26 MR. JACQUES: Take 27/30ths of the credit
27 balance for this particular pilot?

28 A. For that particular pilot.

29 Q. After you have found out what 27/30ths are
30 you would subtract it from the credit balance?



1 A. Right.

2 Q Then you would divide the credit balance
3 by what figure?

4 A The remaining pilots.

5 Q By 17?

6 A By 17 pilots in that particular month.

7 Q Does it happen at any month you have a debit
8 balance instead of a credit balance?

9 A Yes, it does.

10 Q What happens then? Before you answer, this
11 share which is shown in Exhibit 355, is that paid every
12 month?

13 A No.

14 Q It isn't?

15 A No.

16 Q When is it paid?

17 A It is paid at the end of March when all
18 the accounts are in.

19 Q For the whole year?

20 A For the whole year.

21 Q So this share is not something actually
22 paid, it is kept till the end of the year and paid to the
23 pilot, is it not?

24 A Kept on a card like this.

25 Q But it is paid at the end of the year?

26 A Yes.

27 Q So what happens when you have a debit
28 balance instead of a credit balance, do you divide the
29 debit the same way as you divide the profit?

30 A Yes.



1 Q. This figure is tabulated every month on
2 a card?

3 A. On a card, that is right.

4 Q. What you do at the end of the year is the
5 net result of all these operations; is that correct?

6 A. Yes.

7 Q. Now then, Exhibit 355, is that submitted
8 to the pilots every month?

9 A Yes.

10 Q. Does your office submit any other financial
11 statement to the pilots?

12 A. No.

13 Q. This is the only one?

14 A. Yes.

15 Q. They get that every month. Now, turning
16 to Page 5 of the Annual Return for 1962 which is Exhibit
17 No. 344 would you tell the Commission what is included
18 under the item "expense administration, postage, et
19 cetera?"

20 A. Under administration postage et cetera of
21 \$876.70, of that amount we gave \$600.00 to the pilots
22 for their own administration. What they did with that I
23 don't have any record of.

24 Q. Who tells you to give what amount to the
25 pilots and when?

26 A. They come to us initialled by two of the
27 committee. They submit it to the Supervisor and he in
28 turn tells me to give it to them.

29 Q. I see. As far as you know it is not
30 accounted for?



1 A. I have no knowledge of what it is used
2 for. The rest is postage, post office box rent, newspapers
3 and the odd telegram and so on.

4 Q. What part of the administration expense
5 does that represent? I thought the office was administered
6 by the Department of Transport?

7 A. That is right, but this is something they
8 use for themselves. This is done every year.

9 THE CHAIRMAN: The fixed amount, similar
10 amount?

11 THE WITNESS: Yes.

12 BY MR. JACQUES:

13 Q. Postage, how is the postage used?

14 A. We use it in the office for all our mail.

15 Q. Even when you write on Department business?

16 A Yes.

17 Q. How about stationery?

18 A. That is supplied by the Department of
19 Transport.

20 MR. JACQUES: Thank you. Do you have any
21 questions?

22 MR. DICKEY: Once again I understand it will
23 be satisfactory to all counsel to delay cross-examination.

24 THE CHAIRMAN: Do you wish to cross-examine
25 this witness?

26 MR. DICKEY: I think there might be one
27 point.

28 THE CHAIRMAN: All right. Miss Marshall
29 you will stay here for cross-examination.

30 MR. JACQUES: I would like Miss Marshall



1 to be excused. She has work to do. When my learned friend
2 requests her presence we will get her up here.

3 THE CHAIRMAN: That is all right.

4 MR. JACQUES: Captain Tuzo.

5
6 HAROLD TUZO, sworn

7 DIRECT EXAMINATION BY MR. JACQUES:

8 Q. How old are you?

9 A. 52.

10 Q. What is your occupation?

11 A. Harbour Master

12 Q. Here in Halifax?

13 A. Port of Halifax.

14 Q. How long have you been Harbour Master?

15 A. Ten years.

16 Q. What are your duties in practice? What do
17 you do in practice?

18 A. I have a list of the duties if you want
19 them.

20 Q. They are listed somewhere and I know there
21 are by-laws. I don't want you to give me the list of by-laws.

22 A. These are my duties.

23 Q. Your duties, will you read that list, please?

24 A. On call 24 hours a day; berthing of all
25 ships at National Harbour Board piers; allotting anchorage
26 berths to all ships with dangerous cargoes; granting per-
27 mission to anchor mooring buoys in any part of the Harbour
28 in co-operation with the Department of Transport; keeping
29 harbour clear of any obstruction, floating or otherwise
30 that may be a menace to navigation; controlling the speed



1 of all crafts within the Harbour limits; supervising the
2 cleaning of all transit sheds; placing and maintaining
3 of fenders at piers as required; supervising the supply of
4 water to all ships at National Harbour Board piers.

5 That is practical work. The rest is all clerical.

6 Q Would you explain your duties as regards
7 berthing of vessels?

8 A. The agents, when they expect a ship, they
9 call me and they state the size of the ship and the
10 cargo she is to unload or discharge and for instance I
11 will say take berth 36 and from there they carry on. They
12 order the pilot. They will bring the ship in and berth
13 her at 36.

14 Q Are you in touch directly with the pilots
15 as regards the berth?

16 A. No.

17 Q. Have you ever had any problem with pilots
18 as regards berthing?

19 A. No.

20 Q What about anchorages?

21 A No problem there at all.

22 Q. Are you in touch directly with the pilots
23 as regards anchorages?

24 A. Not unless there is conjection in the
25 harbour. We have different anchorages marked off. Unless
26 there is congestion they take whatever anchorage they
27 can.

28 Q. To the best of your knowledge have you
29 ever found a ship anchored in the wrong place?

30 A. No.



1 Q. What is the speed limit in the harbour?

2 A. Above George's Island 8 knots.

3 Q. Do you check on the speed limit?

4 A. Our window is right there. We face the
5 harbour and we can spot a ship if she speeds up.

6 Q Have you ever had occasion to complain of
7 speed limits, of excessive speed in the harbour?

8 A. Occasionally.

9 Q. When was that?

10 A. It will happen probably two or three
11 times a year. It is mostly the Navy.

12 Q. Mostly the Navy, not the pilots.

13 A. ~~Not~~ the pilots.

14 Q. Have you ever had occasion to complain to
15 the pilots that they exceeded the speed limit?

16 A. No, I never have. When work is going on
17 on the piers I will call the despatcher and he will put a
18 notice up to slow below 8 knots.

19 THE CHAIRMAN: This is in the Narrows up
20 to George's Island?

21 THE WITNESS: Yes.

22 THE CHAIRMAN: Above George Island it doesn't
23 matter?

24 THE WITNESS: It doesn't matter.

25 MR. JACQUES: Do you receive E.T.A.'s of every
26 ship that calls in Halifax?

27 A. No, the agent receives the E.T.A. and I
28 get it from the agent.

29 Q The agent gets in touch with you?

30 A. They get in touch with me. If there is



1 any delay in the E.T.A. they will bring me up to date on
2 that as soon as they receive the message from the ship.

3 Q. It sounds too good to be true, the agents
4 dutifully get in touch with you for every ship, every ship
5 has an agent and nobody ever docks anywhere without prior
6 permission?

7 A. No, it never happens.

8 Q. It never happens. Have you ever made any
9 directions concerning the mooring or unmooring, the placing
10 or removal of vessels within limits of the harbour?

11 A. No.

12 Q. Nothing written down?

13 A. Nothing written down.

14 MR. JACQUES: Thank you very much.

15 COMMISSIONER SMITH: Captain, one question.
16 In the pilots' brief mention was made of innumerable cables
17 crossing at the bed of the river, on to shore, do you have
18 any problem with regard to ships interfering with those
19 cables, knocking them?

20 THE WITNESS: It happens.

21 COMMISSIONER SMITH: It is not an ordinary
22 occurrence?

23 THE WITNESS: I think it has happened
24 once in the last ten years.

25 COMMISSIONER SMITH: Thank you very much.

26 MR. DICKEY: Just one or two questions,
27 my lord.

28 CROSS-EXAMINATION BY MR. DICKEY:

29 Q Captain, there are circumstances, as I
30 understood your evidence, where some special limitations



1 of speed for temporary periods are required; is that correct?

2 A. Yes.

3 Q. What action do you take in those circumstances?

4 A. I call the pilot office and caution them
5 there. The despatcher puts up a notice so any pilot going
6 by that area has previous warning to slow down.

7 Q Are there any areas in the harbour where
8 as a normal matter of course some reduction of speed below
9 the average applicable limit of 18 knots is advisable or
10 necessary?

11 A. No, I wouldn't say so, not below George's
12 Island.

13 Q. What do you mean by not below George's
14 Island?

15 A. The speed limit applies above George's
16 Island.

17 Q. Where the speed limit applies are there
18 in your opinion any areas where reduced speed below that
19 limit is normally required or advisable?

20 A. Not unless there is some under water work
21 going on.

22 MR. JACQUES: Just two more questions,
23 sir.

24 DIRECT EXAMINATION BY MR. JACQUES:

25 Q A minute ago you said when there was
26 work going on on the piers that required slowing down of
27 traffic of vessels you would advise the pilots office?

28 A That is right.

29 Q Would you advise anyone else?

30 A. The Navy, whoever goes by that area. Suppose



1 the work was done on Pier 9, the Navy goes up to the Basin
2 with the ships maybe a couple of times a day. They are
3 advised.

4 Q. The Navy, the pilots and who else?

5 A. That is about all that would be concerned.
6 Small motor boats wouldn't have any bearing.

7 Q A stranger would be able to come in without
8 a pilot?

9 A He wouldn't be going up there without my
10 previous knowledge. He wouldn't be going through the
11 Narrows without my previous knowledge. I would have to be
12 notified that he is going.

13 Q. What about ships coming in without pilots?

14 A. They don't go up that area at all.

15 Q What about small coasting vessels? What
16 if there was work being done on Pier 20?

17 A. Then we would have to take more precautions.

18 Q. How would a stranger coming in know that
19 the work was going on?

20 A. They all have agents or representatives
21 here of some kind.

22 Q. Would you advise the District Agent?

23 A If it is something of that nature we would
24 put a call out through the Department of Transport.

25 Q. Thank you, sir. I forgot again my second
26 question. What about dredging of the harbour? Have you
27 any personal knowledge of the dredging done in Halifax
28 Harbour?

29 A. Yes, it is routine, every spring when the
30 busy season is over our Superintendent automatically goes



1 around and cleans up the piers where frieght falls over the
2 side during the winter, steel bars and things like that,
3 wire and stuff like that. Storm sewers tend to silt up
4 along certain areas. He goes along and automatically cleans
5 it back down to normal depth.

6 Q Do you know how much silting there would
7 be?

8 A It runs pretty high sometimes. In 1962
9 in Basin A we removed 30,000 yards.

10 Q One moment. Would you indicate Basin A
11 on Exhibit 335 which is the Halifax Harbour Chart with a
12 red mark? Basin No. 1, what types of ships would call at
13 Basin No. 1?

14 A. Grain ships and general cargo ships.

15 Q. Would they be large?

16 A Some of them quite large.

17 Q What would be the next area?

18 A Pier 9, that is up in that area here.

19 Q. Yes.

20 A Last year we removed 5,000 yards,
21 away from this wall last year in 1962.

22 Q You mean --?

23 A. This is a coal area, the coal bucket --
24 most of it was coal that was dredged up there.

25 Q. What type of ships would go to Pier 9?

26 A. Right now it is just cargo ships, average
27 general cargo ships.

28 Q And where else?

29 A And the other place along 20, 21 and 22.

30 Q 20, 21 and 22, how much dredging?



1 A. We removed 5,000 yards there last year.
2 That is in piles. That is mostly from the silting from
3 the storm sewers.

4 Q. 5,000 yards, how many inches or feet would
5 that represent?

6 A. Well, taking Basin A, it was in one pile
7 there 16 feet. We took it down to 35.

8 Q. Yes.

9 A And that is 3 north, this was a demolition
10 job. Pier 4 was torn down.

11 Q Just north of Pier 3?

12 A. On the north side of Pier 3 we took out --
13 that pier was demolished and the old piles were broken
14 off and they were pulling that out. We dredged that out.
15 We took out 205 stumps from the one portion and took that
16 down to 30 feet.

17 Q. That wasn't maintenance dredging, that
18 was capital dredging?

19 A. That is about it.

20 Q. Do you have to do dredging every year?

21 A. No, except in these areas here where the
22 storm sewers are we generally check them.

23 Q. In this area, you mean Basin No. 1 and
24 Piers, 22, 21 and 20?

25 A. Yes.

26 Q You would have to do dredging in that
27 area?

28 A. Checking, put the dredger in.

29 Q. What would be the cycle say for Pier No. 9?

30 A. That one there, we possibly won't touch



1 for another ten years. There are no sewers up there. There
2 is no more coal there now.

3 MR. JACQUES: Thank you very much, sir.

4 THE SECRETARY: Would you state your name
5 and position?

6 THE WITNESS: F. M. Weston, District Marine
7 Agent, Department of Transport, Dartmouth.

8

9 F. M. WESTON, sworn

10 DIRECT EXAMINATION BY MR. JACQUES:

11 Q. How long have you been District Marine
12 Agent sir?

13 A. Since September 28, 1962.

14 Q. Have you always been stationed here in
15 Halifax?

16 A. No. For the past eight years I have been
17 in Victoria.

18 Q. Since you were District Marine Agent?

19 A. Since September, yes.

20 Q. You have been here all the time?'

21 A. Yes.

22 Q. And the area your district covers is
23 approximately what?

24 A. From Cape Sable Island to Cape North in
25 Cape Breton.

26 Q. Which would include then Halifax?

27 A. Right.

28 Q. Sheet Harbour?

29 A. Yes.

30 Q. Sydney and North Sydney?



1 A. Yes.

2 Q. Would it include -- I am very weak in
3 geography -- Pictou and Pugwash?

4 A. No.

5 Q They are covered from Charlottetown. The
6 aids to navigation installed and maintained by the D.O.T.
7 are under your jurisdiction?

8 A. That is correct.

9 Q Would you state to the Commission in
10 Halifax briefly the aids to navigation available within
11 the pilotage waters of Halifax and their efficiency?

12 A. There are a total of 44 major manned and
13 lighted aids, manned and floating aids in the area of
14 Halifax Harbour and its approaches and about 12 minor
15 floating aids, such as spar buoys, cans, conicles. This
16 is made up of 7 manned stations, 8 unmanned stations, 15
17 lighted sound buoys, 3 unlighted sound buoys, 12 lighted
18 buoys without any sound apparatus.

19 Out of this total of 44 major aids in the fiscal
20 year 1962/63 there were 26 outages in all classes averaging,
21 at the most, one day in length.

22 Q. The longest period of time an aid was out
23 was one day?

24 A. No. I say average because an individual
25 aid, due to weather conditions, might be out for three
26 days if it is impossible to get a ship alongside due to
27 rough weather. On the average the aids in the Halifax
28 Harbour and approaches would not be out more than one
29 day's duration. It could be less. On a day like to-day
30 if we have a report, we could get it in in an hour or two.



1 Q. Now would you have anything further to add
2 on the aids to navigation in Halifax?

3 A I don't think so except we like to think
4 they are efficient. We do our best to keep them that way.

5 Q They seem so sir, from your report.

6 A. We do concentrate on major aids in a harbour
7 like Halifax. If we have a choice of servicing one in a
8 busy harbour against a secondary light on the shore, of
9 course the main harbour area would get the preference.

10 Q. Would you have similar figures for Sydney
11 sir and North Sydney?

12 A. Not available to-day.

13 Q. Now sir do you look after the despatching
14 of notices to shipping?

15 A. We do.

16 Q Would you describe how you proceed say if
17 an aid to navigation is reported out?

18 A. As soon as the report is received in our
19 office, we issue a broadcast notice through the Halifax
20 Marine radio. This broadcast is put on the air immediately
21 that the radio station receives it and thereafter on
22 each successive scheduled broadcast through the day at
23 the same time as their marine weather broadcasts.

24 Q And this is done directly from your office?

25 A. That is correct, yes, or home.

26 Q. Do you know whether these messages are
27 published in the Notice to Mariners?

28 A It depends on the class of broadcast.
29 If it is a normal outage, it is a temporary thing and they
30 are not normally printed on the permanent Notice to



1 Mariners because if they are, it requires a great deal of
2 chart correction on the part of various people and they
3 may be -- just have to take it all off almost before they
4 finish it because the notice that has been relighted will
5 cancel it.

6 Q Here in Halifax do pilots make a habit
7 of reporting any defect in aids to navigation within their
8 district?

9 A I believe so.

10 Q. To the best of your knowledg this
11 information which you gather at your office, if it does
12 not come from the pilots, are you able to tell us whether
13 it is passed on to the pilot?

14 A The pilots get the broadcast from the radio
15 station and during working hours in our office we usually
16 notify the despatchers direct.

17 Q. Your office notifies the pilots despatch
18 office?

19 A Yes.

20 Q. Of defects.

21 A. Outages in major aids in Halifax Harbour.

22 Q. Have you ever received any request from
23 the pilots for changers in aids?

24 A. Yes.

25 Q. When was that sir? Roughly, you don't have
26 to be too accurate?

27 A. Well it's -- mind you I have only been here
28 a few months but I think we have had two or three in that
29 time.

30 Q. To the best of your knowledge what kind of



1 request would that be?

2 A. They might request that a light be added
3 to a buoy. A lighted buoy be established where there is
4 now an unlighted one such as a can or conicle. We usually
5 give a lot of weight to their recommendations due to their
6 professional knowledge.

7 Q Thank you very much, sir.

8
9 CROSS-EXAMINATION BY MR. DICKEY:

10 Q. Your office does notify the pilot despatching
11 office of outages or any aid to navigation that is not
12 operating. Is that correct?

13 A. I believe so, yes.

14 Q Now are any of the aids to Navigation in
15 the Halifax Pilotage District seasonal, or are they all
16 year round?

17 A All year round.

18
19 CROSS-EXAMINATION BY MR. ANDERSON:

20 Q. Mr. Weston, what changes have been made
21 in the aids to navigation since you have taken office
22 here? I am referring to the Halifax area.

23 A There have been quite a few, but I cannot
24 give you --

25 Q. In the major aids I am referring to, as
26 far as improvements are concerned. Would you just out-
27 line, as briefly as you can, since last September when
28 you took office what improvements have been made in the
29 Halifax Harbour area?

30 A. Well I cannot give you the details of the



1 individual location. We have added lighted buoys in some
2 positions.

3 Q. Apart from lighted buoys that have been
4 added, have there been any other major changes?

5 A. There have been no major changes in the
6 manned structures except that at Sambro Island there is
7 now a new station being developed there under contract
8 right now.

9 Q. How about within the last year or two,
10 or are you familiar with that?

11 A. I am not sufficiently familiar to answer
12 under oath.

13 Q. Thank you.
14

15 RE-DIRECT EXAMINATION BY MR. JACQUES:

16 Q I would ask you if you would be kind
17 enough to prepare, or ask someone in your office to prepare
18 a statement for Sydney and North Sydney similar to the one
19 which you have given please?

20 A. Yes.

21 Q. Thank you very much.

22 A. Do you want that for this hearing or for
23 next week?

24 Q. Tomorrow morning, if you can supply it,
25 it would help. Sir I have one witness to call and this
26 is Mr. Brown, District Engineer. Mr. Brown, unfortunately,
27 is not able to give his evidence before 10:00 o'clock
28 tomorrow morning so now if the pilots are willing to
29 start --

30 THE CHAIRMAN: We will adjourn for ten



1 minutes.

2 ---short recess.

3 ---following short recess.

4 MR. DICKEY: My lord, and members of the
5 Commission, I am acting for and on the instructions of the
6 Pilots' Committee of the Halifax Pilotage District. My
7 name is John H. Dickey and we have prepared and filed a
8 brief and submissions which I would now tender and ask
9 to be marked as an exhibit.

10

11 ---EXHIBIT NO. 358: Brief of the Pilots' Committee
12 of the Halifax Pilotage District.

12

13 MR. DICKEY: This Exhibit 358 contains
14 a brief introduction, certain representations on the
15 factors relating to pilotage which are set out in the
16 Order-in-council setting up this Commission.

17 That is followed by submissions also directly
18 related to the matters set out in the terms of reference
19 in the Order-in-council, and insofar as the Halifax pilots
20 are concerned it was intended to set up, for your con-
21 sideration, the views of the Halifax pilots carefully
22 arranged in accordance with the task outlined for this
23 Commission in the Order-in-council.

24 Now I understand my lord that the brief is to
25 be taken as read but I will call the Chairman of the Halifax
26 Pilots' Committee, Captain Crook and will direct to him
27 certain questions intending to bring out the facts, or
28 the major facts on which the brief and submissions are
29 based. If it please the Commission I will now ask Captain
30 Crook to take the stand.



1 THE SECRETARY: Would you give your name and
2 position please?

3 THE WITNESS: William Henry Crook, Pilot
4 in Halifax.

5 WILLIAM HENRY CROOK, sworn

6 DIRECT EXAMINATION BY MR. DICKEY:

7 Q. Captain Crook, what is your occupation?

8 A. Halifax pilot.

9 Q. You are also Chairman of the Halifax Pilots'
10 Committee?

11 A. Yes.

12 Q. When were you first elected as a member of
13 the Committee?

14 A. April 1962 and again in April 1963.

15 Q. How long have you been Chairman of the
16 Committee?

17 A. Both occasions.

18 Q. Now Exhibit 337, statement of the names
19 of the present pilots, showing their qualifications and
20 time of appointment, your name appears on that exhibit
21 that you have examined?

22 A. That is right.

23 Q. Is your masters' qualifications and date
24 of appointment, as set out in that exhibit, correct?

25 A. That is right.

26 Q. Very briefly Captain what experience have
27 you had at sea, and as a master mariner prior to your
28 appointment as a pilot in Halifax?

29 A. I believe I first started going to sea
30 in 1938. I served with several companies, including some



1 employment on the vessels in the pilotage service early
2 on in the war as a crew member. I attended navigation
3 school and received my first certificate probably 1941.
4 I am not too certain of the date, and since that, 1948,
5 masters foreigngoing. I served most of my time at sea
6 with Canadian National Steamships leaving their employ in
7 1952, immediately prior to entering the pilotage service.

8 Q. For what portion of that time were you
9 trading in and out of the Port of Halifax?

10 A With the exception of a few years during
11 the way, all of it.

12 Q. Are you a resident of the Halifax area?

13 A. I am.

14 Q. How long have you been a resident of the
15 Halifax area?

16 A. Well I attended high school in Halifax
17 and Dartmouth. That goes back a good many years.

18 Q. And you have lived in Halifax, to all intents
19 and purposes, ever since?

20 A. In Dartmouth, yes.

21 Q Now what have you to say, Captain, as
22 to the general development of the Halifax area and the
23 development of marine traffic, the nature of marine
24 traffic into and out of the harbour over your period of
25 experience?

26 A. I can see nothing bad about it. I feel
27 Halifax will normally expect we will develop along with
28 the rest of Canada. At the time of the seaway, there was
29 some concern but apparently traffic seems to have levelled
30 off and not too such an alarming extent below what it was



1 prior to the seaway.

2 In other words, increased industrial development
3 in the area has provided a cushion for anything that might
4 have been lost.

5 Q. Are there any particular developments over
6 the recent past and immediate present that have particular
7 relevance to marine traffic in the port?

8 A My own personal opinion is that with the
9 establishment of Texaco and a few other industries, there
10 will be possibly some increase in marine traffic.

11 Q. Have there been any over the recent past.
12 any specific developments that are now in operation that
13 have affected marine traffic?

14 A. Yes.

15 Q. Just very briefly what are they?

16 A. National Gypsum Company establishment.
17 Texaco. British American. Volvo.

18 Q What type of traffic do they bring to the
19 port?

20 A. With the exception of Volvo, they are
21 bulk cargoes.

22 Q. Both petroleum products?

23 A. Petroleum products and ore.

24 Q. Captain I show you Exhibit 335, which is
25 Chart No. 4316, Halifax Harbour. You are familiar with
26 that chart?

27 A. I am.

28 Q. Does that chart disclose the whole of
29 the Halifax Pilotage District?

30 A. No.



1 Q. What other extensions of the district are
2 there that are not shown in the chart?

3 A. Eastern Passage and Bedford Basin.

4 Q. What about the approaches to the Harbour?

5 A. Well the outer harbour, of course, is
6 beyond the limits of this chart.

7 Q. Is that within the pilotage district?

8 A. Yes.

9 Q. I show you Exhibit 3346, Chart No. 4311.
10 Are you familiar with that chart?

11 A I am.

12 Q. Does that chart show the whole extent of
13 the Halifax Pilotage District?

14 A. Yes.

15 Q. Would you describe the limits, as shown
16 on that chart?

17 A. Roughly a line adjoining Chebucto Head
18 and Devil's Island, the outer limits, and all inward from
19 there.

20 Q. Inward from there?

21 A To the north.

22 Q. To what?

23 A. To the mouth of the Sackville River.

24 Q. Which is at the head of Bedford Basin?

25 A. Yes, Bedford Bay.

26 Q This extends in generally a northerly
27 direction. Is that correct, from the outer approaches?

28 A. Yes.

29 Q. Is Eastern Passage shown on that chart?

30 A. Yes.



1 Q. Is Eastern Passage shown on that chart?

2 A. Yes.

3 Q What divides Eastern Passage from the main
4 harbour and the main harbour entrance?

5 A. McNab's Island.

6 Q. With Eastern Passage forming a narrow,
7 shallow opening to the open sea, to the east of McNab's
8 Island, is that correct?

9 A. Yes.

10 Q Is Northwest Arm shown?

11 A. Yes.

12 Q. How does that extend?

13 A. Well it branches off on the western side
14 of the harbour just about the limits of the inner harbour.

15 Q. And that extends also in a northerly
16 direction?

17 A. That is right.

18 Q Now can you mark, perhaps in green, on
19 that chart the general area in which ships inward bound
20 pick up the pilots? That is circled in green?

21 A. In the vicinity of inner automatic whistle
22 buoy.

23 Q. That is normally the pilot station. Is that
24 correct?

25 A That is right.

26 Q. What are the approaches to the harbour
27 to that point? Would you describe, in general terms,
28 direction, the width, the aids to navigation and any
29 shoals or other features that are of concern to a ship
30 entering the harbour?



1 A. The main normal harbour range, outer harbour,
2 Mauger's Beach and McNab's Island at 355 lead between
3 the two shoals Lichfield and Neverfail past Mars Rock up
4 to the vicinity of Lighthouse Bank when you intersect
5 George's Island and Dartmouth range at 339 and proceed
6 into the inner harbour.

7 Q Now you have referred to Lichfield. Is
8 that marked by an aid to navigation?

9 A. Yes, a green flashing light and the buoy
10 has the characteristic hood on the staff.

11 Q. Where is that located on the chart? Off
12 what shore and in what general area?

13 A. It is off the western shore of Halifax
14 harbour just south of Herring Cove.

15 Q. Neverfail Shoal, is that marked and where
16 is it in relation to Lichfield?

17 A. Neverfail is roughly east of Lichfield
18 and the shoal is marked by a can buoy and there is also
19 a flashing white buoy established.

20 Q. What is the nature of those two shoals,
21 Lichfield and Neverfail and to what extent do they con-
22 stitute a hinderance to navigation, or a danger?

23 A. They are both shoal waters and Lichfield
24 is roughly 14 feet, the other, Neverfail is roughly 24
25 feet and they are dangerous to navigation.

26 Q I tender and ask to have marked as Exhibit
27 No. 359 a Chart Osborne Head to Betty Island, Nova Scotia,
28 south-east coast which is number 4385. You may find
29 that a little larger scale and may follow the evidence
30 on that one.



1 ---EXHIBIT NO. 359: Chart of Osborne Head to Betty
2 Island, Nova Scotia, south-east
3 coast.

4 Q. Captain, you stated the normal range from
5 the general area of the pilot station to the vicinity of
6 the inner automatic whistle buoy is between Lichfield
7 and Neverfail Shoals?

8 A. Yes.

9 Q. Approximately what is the distance
10 separating those two shoals?

11 A. Well, we have about a thousand feet
12 there it is safe to run, safe to travel.

13 Q. And the course that would be followed leads
14 in the direction of Lighthouse Bank; is that correct?

15 A. That is correct.

16 Q. What is Lighthouse Bank and how is it
17 marked and where is it?

18 A. Lighthouse Bank is a shoal. It has a
19 red flashing buoy established in that shoal and it is
20 very nearly on the range of McNab's range which is to the
21 south of it.

22 Q. Is there any visual aid which assists
23 in steering a course from the pilot station to Lighthouse
24 Bank?

25 A. Yes, Mauger's Beach in line with McNab's
26 Island.

27 Q. With those lights in line one is on the
28 range; is that correct?

29 A. Yes.

30 Q. And between Lichfield and Lighthouse
Bank is there any other aid to navigation in any shoal or



1 other construction?

2 A Between those shoals and Lighthouse Bank
3 we have roughly midway between, we have Mars Rock. It
4 lies on the western side of the channel and it is marked
5 by a flashing white whistle buoy.

6 Q. That is how far to the western shore from
7 the approximate centre of the fairway along the range
8 leading to Lighthouse Bank?

9 A. It is roughly a quarter of a mile west
10 of the radius.

11 Q. What does the shoal water there consist
12 of in the way of depth?

13 A. About 18 feet.

14 Q As you approach Lighthouse Bank what aids
15 to navigation come into play and where is any change of
16 course necessary in order to enter the harbour mouth?

17 A. Lighthouse Bank Buoy is very nearly in
18 transit with the McNab Island Range. South of Lighthouse
19 Bank Buoy you intercept the northern harbour ranges,
20 Dartmouth and George's Island.

21 Q Are those shown on the chart?

22 A. Yes, those ranges lead you past a newly
23 established buoy at Middle Ground which is a 6 fathoms
24 patch lying off Mauger's Beach Lighthouse to the western
25 side of the channel.

26 Q. You say newly established, approximately
27 how long has that been established?

28 A. I am not too certain, but probably four
29 years.

30 Q. You referred on several occasions to Mauger's



1 Beach, just what is that, what part of land is it connected
2 to and what does it consist of?

3 A. It is a long spit of land running in a
4 westerly direction with McNab's Island Lighthouse on the
5 extremity.

6 Q. We have now got Chart 4316. That chart
7 shows harbour entries from some distance out to Lighthouse
8 Bank to some distance north of the Narrows?

9 A Yes.

10 Q. What is the physical nature of the entrance
11 to the harbour from Lighthouse Bank into George's Island
12 with the aids to navigation that are in that area?

13 A. Well, the Dartmouth range lead clear of
14 all obstructions right up to George's Island. It passes
15 between several shoals and beside several shoals and
16 through part of the harbour that is beginning to narrow.

17 Q. What are the aids to navigation, what do
18 they mark running from Lighthouse Bank in a northerly
19 direction to George's Island?

20 A. The first Lighthouse Bank Buoy, and then
21 Mauger's Beach Lighthouse, then Horse Shoe Shoal just
22 inside of that.

23 Q. What is the aid to navigation at Horse
24 Shoe?

25 A. Red conicle buoy.

26 Q. You referred earlier to Outer Middle
27 Ground?

28 A. Outer Middle Ground, there is a 36 foot
29 patch there which is dangerous to deep draught ships.

30 Q. That is where in relation to Mauger's



1 Beach?

2 A. Well, it lies in a westerly direction,
3 south-westerly direction from Mauger's Beach Lighthouse.

4 Q. Then going further in what are the aids?

5 A. The next is Middle Ground Buoy and there
6 we have four and one quarter fathoms, about 27 feet, roughly,
7 of the shoal that lies to the western side of the channel,
8 and further in we have another shoal, Point Pleasant Shoal
9 which is shallow water extending off the Point Pleasant
10 Park. It is marked by a buoy and recently a light has been
11 established on that buoy. Prior to that it was a bell
12 buoy. As we proceed then the next shoal is Ives Knoll
13 which marks the shoal water extremity of McNab's Island.

14 Q. This is on what side of the channel?

15 A. This is on the eastern side of the channel.
16 It is marked by a red flashing bell buoy. Recently there
17 has been a conicle buoy established in deep water just
18 north of the actual shoal to the northeast of the lighted
19 buoy.

20 Q. What is the purpose of that?

21 A That was to give clearance, visual clearance
22 to ships travelling to the eastern side of the harbour
23 when other aids might be obscured. Then the next is a
24 green flashing light on the end of the Yacht Squadron
25 Breakwater.

26 Q. That is on which side?

27 A On the western side of the harbour

28 Q. That brings you almost into the dock?

29 A Yes.

30 Q. Now, Captain, what are the various types



1 of traffic, marine traffic that use these waters you have
2 described, the entrance to Halifax Harbour into the main
3 harbour itself?

4 A I think probably we have handled just about
5 all types of traffic that are involved in marine work,
6 sailing ships, trawlers, large bulk carriers, large oil
7 tankers, the largest passenger ships, large and small
8 freighters. I don't think there is too much afloat that
9 some type of it hasn't entered Halifax.

10 COMMISSIONER SMITH: Do you have many
11 bulk carriers, large draught ships?

12 THE WITNESS: We have one called the
13 Melvin H. Baker, that is National Gypsum.

14 BY MR. DICKEY:

15 Q. She is a bulk carrier?

16 A. A bulk carrier.

17 Q In addition to this commercial traffic what
18 other major types of traffic use these waters?

19 A. We have several yacht clubs in the area
20 and last weekend was the first heavy weekend for yachting.
21 From now for the rest of the summer on weekends and
22 holidays the harbour is quite congested with pleasure
23 crafts.

24 Q. In addition to commercial and pleasure
25 traffic is there any other major elements of marine
26 traffic using the harbour?

27 A There is a great deal of naval traffic.

28 Q. What Navies normally use this harbour and
29 to what extent?

30 A. I think probably most of the world Navies



1 have called at Halifax at different times. Every summer
2 we have courtesy visits from an American fleet, and some
3 of their largest ships have used the port. The French
4 fleets and we had a month ago a contingent of Russian
5 survey craft including a large barge.

6 Q. Do the Navy vessels, particularly the
7 Canadian Navy use harbour waters in particular portions
8 for special purposes?

9 A. Yes, we have a new sound range established
10 off McNab's Island, degaussing ranges and sound ranges
11 in Bedford Basin, speed ranges, exercise areas.

12 Q. Would you briefly describe and give the
13 general location of the major commercial harbour facilities
14 which are used by the passenger and cargo ships that
15 come into the Port of Halifax?

16 A. Passenger ships normally use Immigration,
17 large passenger ships normally use Immigration Depots
18 around Piers 20, 21 and 22.

19 Q. Is the Port of Halifax an ocean terminal?

20 A. Yes, just abreast of George's Island. Most
21 cargoes go in the south end, Pier A, A1, Pier B, Piers 2
22 and 3 in the north end along with Pier 9. Those are
23 general cargo berths, bulk.

24 Q. You say in the north, what area south in
25 general terms?

26 A. Pier 9 in the Narrows approaching Bedford
27 Basin?

28 Q. Down to Pier 3; is that correct?

29 A. I beg your pardon. Most of the area between
30 Pier 9 and Pier 3 is dockyard and shipyard facilities.



1 Q. And the commercial facilities are generally
2 termed the dockwater terminal; is that correct?

3 A. Correct.

4 Q. What harbour facilities are located between
5 the ocean terminals at the south and the deep water
6 terminals at the more northerly reaches of the main harbour?

7 A. There are several fishery establishments,
8 private wharves, towboat wharves, Queen's wharves, salt
9 wharves, which are private wharves, Western Union Cable
10 private wharves and there is the Vitting Depot which is
11 north of the Ferry Wharf and Western Commercial Cable
12 which is south of Pier 2.

13 Q. Does commercial traffic use the major portion
14 of these facilities from time to time, and in some cases
15 regularly?

16 A. Yes, occasionally. We have the Cunard
17 Wharf and the Furness Pier is quite busy.

18 Q. What public facilities, what commercial
19 facilities are on the eastern side of the harbour?

20 A. The largest one in the main harbour is
21 Imperial Oil, Esso.

22 Q. What does it consist of?

23 A. They have three wharves there capable
24 of taking large tankers, No. 3, 4 and 5 oil docks.
25 No. 2 oil dock is a small pier for use for barrel
26 and some small coasters, occasionally used to bunker small
27 diesel craft. Proceeding south on the eastern passage
28 we have Sheerwater base. They have a large pier. Occasionally
29 we handle ships at that pier, foreign Navy ships. Then
30 we have the new Texaco wharf further down on the Eastern



1 Passage, and that is getting busy as the plant progresses.

2 Q. How would you describe in a general way
3 the waters on the eastern passage and the access to them?

4 A. There is good water, but it is narrow.
5 There is sufficient depth but it is quite confined.

6 Q. How is entrance and egress obtained to
7 the eastern passage?

8 A. Through the main waters.

9 Q. Is entrance to the open sea useable at
10 all?

11 A. No, fishing craft, small fishing craft.

12 Q. Going in a northerly direction on the
13 east side of the harbour what marine facilities are there?

14 A. Irving Oil just north of Imperial Oil and
15 then the sugar refinery's pier where Volvo is now es-
16 tablished. Then we have the Department of Transport es-
17 tablishment on the east side of the harbour and then
18 Dartmouth Shipping Yards working progressively north.
19 Then we have a couple of piers at the north end of Dart-
20 mouth, ramshackle piers used for laying of ships occasionally.
21 I believe one of them is commonly called the Bobby Finn
22 Then we come to the bridge and from the bridge north
23 it is pretty well occupied by naval establishments, naval
24 piers, armament depot, until we get through the narrows
25 and into Bedford Basin and the first pier is the Hydro-
26 graphic establishment, Oceangraphic Institute and
27 degaussing and then the Gypsum pier. Then it is the
28 B.A. Wharf and north a bit the Magazine Jetty.

29 Q. The main naval dockyard is on the west
30 side of the harbour between approximately Pier 3 and Pier 9?



1 A. That is right.

2 Q. There is also other shipyard facilities
3 there of a private nature; is that correct?

4 A. Yes.

5 Q. What is it?

6 A. Dosco.

7 Q. Halifax Shipping Yards?

8 A. Halifax Shipping Yard. They have a floating
9 dock and drydock and berthings.

10 Q. Berthing facilities?

11 A. Pier 6 and 7 berthing facilities, Machine
12 Shop Wharves.

13 Q. What is the general weather experienced
14 in Halifax through the various seasons and what is the
15 exposure of the harbour to prevailing weather conditions?

16 A. Well, southerly storm are fairly frequent,
17 and they do cause considerable sea in outer harbour
18 limits. Sometimes in severe weather conditions we do
19 get quite a swell in the southern berths of the harbour,
20 but if a ship is properly attended there is not too much
21 danger other than probably the outside berths in the first
22 pier, two outside berths.

23 Q. Captain, would you care to turn to Exhibit
24 B in the brief and just testify as to the information con-
25 tained there with respect to weather conditions?

26 A. We do get quite a bit of fog and high
27 winds. In 1962 I believe we had 173 days when we had
28 winds of 16 knots or over and 151 days when there were
29 periods of visibility of less than 2 miles.

30 Q. What is your experience with respect to the



1 effect of reduced visibility below 2 miles in moving traffic
2 within the harbour and in the harbour approaches?

3 A. Well, traffic normally will move under
4 all conditions at all times unless the conditions are very
5 extreme, times of hurricanes. If a ship is in Halifax
6 at anchor the best thing is to try and keep here there.
7 However, these don't occur too often and when we do have
8 a heavy south-easterly we do get dangerous conditions
9 at Pier 34, and Pier 39, but those don't occur too often.
10 Foggy weather, fog and snow and limited visibility will
11 possibly slow down traffic slightly, but very seldom to
12 my knowledge has traffic ever stopped. Of course, there
13 is a good deal of traffic and a lot of small craft traffic
14 in Halifax harbour and we are quite well informed before
15 we go to a ship what to expect in the way of traffic.
16 The normal thing is when you are called for a ship normally
17 you would inquire what to expect in the way of other ship
18 traffic and that sort of thing.

19 Q. What about tide and currents in the waters
20 comprised within the Halifax Pilotage District?

21 A. My experience has been that the effect
22 tides is much more than you would expect by looking at the
23 chart. If you refer to the vicinity of the Narrows the
24 ebb and flow there is roughly three-quarters of a knot.

25 Q. Is that shown?

26 A. This is shown on Chart 4316.

27 Q. Exhibit 335?

28 A. Actually that tide runs quite strongly
29 along the face of the pier and also our piers in the
30 lower harbour are finger piers and these tides are augmented



1 by the wind at the time and have quite a considerable
2 effect on ships berthing and leaving these piers. Actually
3 in the south end there isn't much information concerning
4 tides on the charts. Through experience we have learned
5 that tides can have a considerable effect at any one of
6 these corners.

7 Q. Are these phenomena things that could
8 conveniently or understandably be placed on charts in such
9 a way that they could be picked up and used by anybody
10 reading the chart?

11 A. I don't have that technical information.
12 These are variables.

13 I have learned that if we were to have an ebb
14 tide and a strong northerly wind, there would be quite
15 a considerable effect in rounding to the north on any one
16 of the finger piers, but this is my personal experience
17 and I just don't know how that could be contained in a
18 chart to be of value, other than a general warning.

19 Q. Would these conditions that you have learned
20 of by experience be sufficient to substantially effect
21 the manner of handling vessels docking at those piers?

22 A. Yes, very definitely.

23 Q. Now what is your experience, Captain,
24 with respect to the question of undertaking ship movements
25 in and out of the harbour and within the harbour under
26 adverse weather conditions in relation to the control of
27 the pilots, as to whether or not moves are made?

28 A Well the normal thing is a pilot is ordered
29 to the ship through the despatcher from the agent and
30 when he reports aboard the ship, if he feels that conditions



1 make it unsafe to attempt to move the ship, he certainly
2 would give this to the master. It has never been my ex-
3 perience that the Master would attempt or would try to force
4 a pilot to change his opinion.

5 Q. Have you any experience of a Master
6 otherwise uncertain as to whether or not a movement of
7 a ship should be made, deciding to make that move because
8 of the availability of a pilot?

9 A. I did not understand that, excuse me.

10 Q. Have you any experience of a master who
11 would otherwise not have undertaken a movement, because of
12 weather conditions, being prepared to take that move with
13 a pilot aboard and able to direct and decide on the
14 weather conditions?

15 A. From my experience I would say yes. It
16 is not unusual for a pilot to be ordered aboard a ship
17 to stand security watch to ensure that the ship does not
18 break away from the berths or go adrift in the harbour
19 or cause herself damage, and actually we call this security.
20 We remain aboard as long as the Master feels, the Master
21 and pilot decide it is no longer necessary.

22 Q. My lord, I think that brings me to the
23 end of that introduction and perhaps this might be a
24 convenient place to adjourn.

25 COMMISSIONER RENWICK: I am going to ask
26 the Captain one question. On what basis are you paid
27 security? Is that on a detention basis?

28 THE WITNESS: Yes. Not really sir. We
29 get paid for the time we are aboard. Normally on detention
30 the first hour is not chargeable but actually in my ex-



1 perience last winter I think it was about two and a half
2 hours, or it would be three hours chargeable at \$2.20 an
3 hour.

4 MR. DICKEY: My lord, I presumed that you
5 were rising at five o'clock. Perhaps I presumed too much.
6 I would be quite prepared to continue.

7 THE CHAIRMAN: That is quite all right.
8 On quite a few occasions we have sat much longer, but I
9 do not think it is a practice that should be followed.

10 MR. DICKEY: I am certainly in your lordship's
11 hands and I apologize if I presumed we were rising at five.

12 THE CHAIRMAN: No, there was just one thing.
13 I was wondering how long this witness is going to be in
14 the box. He will probably be in the box sometime, as he
15 is the main witness, so I think we will adjourn until
16 ten o'clock tomorrow morning.

17
18 ---Whereupon the hearing adjourned at 5:00 p.m.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

HALIFAX
NOVA SCOTIA

VOLUME No.:

28

DATE:

May 29, 1963,

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at Province House, Halifax,
Nova Scotia, on Wednesday, the
29th day of May, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary
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COMMISSION SOUNSEL:

Mr. Maurice Jacques

Mr. Leopold Langlois, Q.C., for the Canadian
Merchant Service Guild, Inc.

Mr. J. H. Dickey, Esq., for the Pilots of the
Pilotage District of Halifax.

Mr. D. Anderson, Esq., Halifax Steamship
Committee, Shipping Federation of Canada.

Also Present

Capt. J. S. Scott, Nautical Adviser
to the Commission.

Capt. Seeley, Department of Transport
and liaison officer.



1 ---Upon commencing at 10:00 a.m.

2 MR. JACQUES: My lord, I should like to
3 interrupt the evidence given by Captain Crook in order to
4 hear Mr. Brown, District Engineer from the Department of
5 Public Works.

6 Mr. Brown please?

7
8 J. A. BROWN, sworn

9 THE SECRETARY: Would you give your full name
10 and position?

11 THE WITNESS: J. A. Brown, District Engineer,
12 Department of Public Works, Canada.

13
14 DIRECT EXAMINATION BY MR. JACQUES:

15 Q Sir, does the whole of Nova Scotia come
16 under your jurisdiction?

17 A That is right.

18 Q As District Engineer have you prepared a
19 statement on various ports in Nova Scotia as regards
20 maintenance dredging and cycles thereof and also the
21 area of dredging?

22 A I have this information here, yes.

23 Q Would you state that information please?

24 A North Sydney the berths are 16 to 25 feet
25 governing depths. No annual maintenance or periodic
26 maintenance in North Sydney. Sydney the Dosco piers are
27 dredged on a ten-year cycle approximately 20,000 cubic
28 yards are removed every ten years from the Dosco piers.
29 This is done on a share basis with Dosco and the Federal
30 Government.



1 COMMISSIONER SMITH: What share basis is
2 it?

3 THE WITNESS: Fifty per cent. At Pugwash
4 the entrance channel is 13 feet in depth at low water.
5 A berth is approximately 22 feet. There is no maintenance
6 dredging carried out there on any cycle.

7 At Pictou, approximately 20 feet and better in
8 the berths at Pictou and there is no maintenance dredging
9 required in Pictou.

10 Sheet Harbour East River a berth is approximately
11 18 feet in depth and there is no maintenance called for
12 at Sheet Harbour.

13 Digby, 20 feet of water, we try to maintain
14 20 feet of water in the approach and berthing area. In
15 Digby it is about a five year dredging cycle when we
16 remove about 25,000 yards.

17 LeHave River we attempt to maintain 19 feet
18 of water in the berth and in the entrance channel at LeHave.
19 Generally it is an eight to ten year dredging cycle,
20 approximately 15,000 yards maintenance work required.

21 Yarmouth we try to maintain 21 feet below water.
22 There is a large siltation problem in Yarmouth. We estimate
23 that probably 80,000 yards a year come out of the Yarmouth
24 channel and basin.

25 Weymouth we attempt to maintain an entrance there
26 of 20 feet. There is a dredging cycle there of 6 to 8
27 years, about 50,000 yards are required to be removed in
28 that cycle.

29 There are a number of other places where we
30 maintain, in the high tidal areas, vessel beds where vessels



1 lay dry at low water. The depths of these vary. The
2 entrance has to be made by ships on the higher stages --
3 I don't know whether you require any of these or not?

4 Q. Not unless, in your opinion, there are ports
5 where there is an important flow of traffic.

6 A I can give an example, Port Williams.
7 There is some pulp lumber and some apple shipped out of
8 there during the year. At high water there is about 24
9 feet governing depths at the vessel bed. These vessel
10 beds are maintained by us but it's a minor thing. In
11 Port Williams it cost approximately \$400.00 a year to keep
12 clear of mud for use by traffic.

13 Q Thank you sir.

14 MR. DICKEY: No questions.

15 MR. LANGLOIS: No questions.

16 MR. ANDERSON: No questions.

17 CAPTAIN CROOK, re-called

18 DIRECT EXAMINATION BY MR. DICKEY:

19 Q. Captain Crook you gave certain evidence
20 yesterday afternoon respecting harbour traffic. Is there
21 anything you would like to add to what you said at that
22 time?

23 A. Well we have numerous ferry routes from
24 across the harbour. The Department of National Defence
25 maintain a good many of these and the City of Dartmouth.
26 Dartmouth Ferry Commission have a regular route carrying
27 passengers between Dartmouth and Halifax.

28 Q Is there regularity to these ferry services,
29 or any of them, and what is the frequency?

30 A Well with the public ferry, Dartmouth to



1 to Halifax there is. They run on a schedule. The schedule
2 is subject to alteration at times decided by the Commission.
3 Otherwise the dockyard ferry service, that could be
4 irregular.

5 Q. And do these ferry routes use a portion
6 of the harbour that is substantially used by general port
7 traffic?

8 A. Oh yes very much so. They are travelling
9 from the dockyard to Shannon Park, to Eastern Passage,
10 to York Pier, Queen's Wharf; occasionally to McNab's Island,
11 Dartmouth shipyards, N.A.D. Wharf in Dartmouth. These
12 routes criss-cross the harbour in many locations.

13 Q. Do these ferries operate in periods of
14 restricted visibility and poor weather?

15 A. Yes.

16 Q. With respect to the public, what you
17 referred to as public service, where do they run? Do they
18 operate in restricted visibility?

19 A. Well from the ferry wharf at the foot
20 of Portsmouth Street in Dartmouth to the ferry wharf at
21 the foot of George Street in Halifax they maintain a
22 schedule.

23 Q. In spite of weather or visibility?

24 A. That is right. It has happened on occasion
25 they may miss an occasional trip, but otherwise they can
26 be considered as regular.

27 Q. Does this ferry traffic of all kinds present
28 any particular navigational problem for ships entering
29 and leaving and moving in the harbour?

30 A. Well it certainly requires caution on our



1 part. I am not aware of, in recent years, of any actual
2 collisions, except I believe there was a collision between
3 two of the ferry services some years ago, but in recent
4 years the pilotage service has not been affected. In my
5 mind, there has not been any collisions.

6 THE CHAIRMAN: Before you change the
7 subject, do the ferries observe the rules of the road?

8 THE WITNESS: Yes.

9 THE CHAIRMAN: They let you pass? They
10 won't pass your bows?

11 THE WITNESS: Yes. The ferries are not
12 equipped with radar.

13 Q What was that?

14 A The ferries are not equipped with radar.

15 Q. Now Captain, I would like to turn to the
16 major portion of your brief. Very briefly perhaps you
17 could say something with respect to the origins of pilotage
18 in the Port of Halifax and its major objectives.

19 A I think probably we could get into quite
20 a story there. I understand that one of the most successful
21 original pilots was the local school teacher at Portugese
22 Cove. In those days there was no organized pilotage and
23 it was carried on by men with local knowledge.

24 This man maintained his sharp-eyed youngsters
25 as lookouts. Of course they had a vested interest
26 in the service because when they spotted a ship coming, if
27 they could go out and get aboard, they could have a week's
28 holidays before they got back. This seemed, for a while,
29 to operate successfully.

30 I am not too sure when, in later years, it was



1 really organized. I believe it dates back somewhere around
2 the first world war but I think probably my testimony there
3 would be quite vague.

4 Q. Now have you any idea how long the pilotage
5 service has been available on a 24 hour day year-round
6 basis?

7 A. As far back as I can remember. I have been
8 associated with the pilot service in various ways since
9 about 1936.

10 Q. Now can you give the Commission some
11 assistance in connection with the matters of importance
12 in relation to the necessity for familiarity with the
13 harbour and its approaches for purposes of safe entry
14 and exit from the harbour?

15 A Well my personal experience is that when I
16 go aboard a ship, I am as up to date as possible on every-
17 thing that is happening in the harbour at the time. Ship
18 movements, pleasure craft, naval exercises, probably speed
19 or sound tests, any aids that are out at that time.

20 Of course, effective winds and tides in the
21 approaches in the harbour. We know what ships are moving
22 with pilots. We are aware of where they should be at
23 certain times.

24 If there is any possibility of two ships with
25 pilots approaching each other in any part of the harbour,
26 we are reasonably aware at what time we should meet another
27 ship and we are expecting that sort of thing. I am
28 speaking now primarily of times of thick weather.

29 Of course ferry traffic, I am aware of that.
30 We find occasionally that we do get confusion sometimes



1 caused by ships travelling unassisted. I was told here a
2 few weeks ago just after one of the buoys, there was a
3 light established on one of the buoys at Point Pleasant.
4 Within a week one of our own local trawlers landed up on
5 Point Pleasant. There was some confusion there, he con-
6 fused it with one of the light buoys, apparently, at
7 Middle Ground but we are in a position, being on the harbour,
8 that we are usually the people that report these aids
9 inoperative and usually the despatchers call on the radio-
10 telephone and have reported in the daytime I imagine,
11 to the Superintendent. Probably at night directly to
12 the Department in Dartmouth and makes them aware of any
13 temporary breakdown in service of local aids.

14 Q Now Captain Crook, Mr. Tuzo gave some evidence,
15 the Harbour Master, with respect to maintenance of speed
16 in the harbour within George's Island. What have you to
17 say as to the restrictions as to speed and the practical
18 situation so far as the practice of the pilots is concerned?

19 A. I think the National Harbour Board reg-
20 ulation of 8 knots is an excellent one. However, we
21 also have directives instructing us to attempt to maintain
22 speed of not more than 3 knots in the shipyards and dock-
23 yards and Narrows to Bedford Basin Area.

24 A higher speed may be possible with a light
25 ship but large bulk carriers are proceeding within the
26 Basin fully loaded draw possibly 30 feet and if any more
27 than possibly three or four knots were maintained, it
28 could cause considerable damage in the area of the dockyards
29 and shipyards and ships berthing at Pier 9.

30 Of course, it is reasonable to believe that with



1 a light ship travelling at three knots in a strong wind
2 you couldn't handle here. I think we pretty much use our
3 discretion passing that area at reasonably safe speed;
4 in the vicinity of three knots.

5 Q. In these areas your experience indicates
6 that special caution is required?

7 A. That is right.

8 Q. Now in times of severe weather, what
9 function, if any, do the pilots perform in connection with
10 the timing of movements of ships, the entering and leaving
11 the harbour?

12 A. We frequently run into difficulty with
13 ships approaching in bad weather, and occasionally in good
14 weather. It is possible with total strangers, and an
15 exceedingly cautious master, he might not be equipped with
16 local charts. You find that quite often. He has absolutely
17 nothing but a large, very small scale chart for shore
18 navigation only. Normally when he approaches the coast,
19 he would be exceedingly cautious.

20 On numerous occasions we have helped these ships
21 approach the pilot station, sent them the position,
22 latitude and longitude of the pilot station and I have
23 seen homemade charts on ships where they have drawn up
24 with the information they have received from the pilot,
25 sailing directions and our information about the position
26 of the pilot station, et cetera.

27 We are quite conscious that the local agents,
28 to the best of their ability, endeavour to keep ships
29 on a schedule and also loss of time can run into a fan-
30 tastic loss of money and labour costs. They have a great



1 responsibility in ordering linesmen and stevedores.

2 Personally I feel that it is part of my job to
3 see that a ship is expedited and is able to proceed with
4 all despatch under safe conditions.

5 We do have to proceed outside the station occasion-
6 ally. Ships won't come in. With the Superintendent's
7 permission, when that seems to be necessary, when we cannot
8 get a ship into the station, we will get the Supervisor's
9 authority to proceed beyond the limits of our station in
10 order to pick up a ship that might be anchored or might
11 be turning around to go back to sea again.

12 Coming into port, of course, occasionally it may
13 be blowing too hard to dock right away but every effort
14 is made to get the ship alongside as soon as possible,
15 providing the agents wish it.

16 Q Now can you tell the Commission, in general
17 terms; what information the pilots obtain from the despatch
18 office in relation to movement of traffic, and that sort of
19 thing, when they accept assignments to ships?

20 A The Canada Shipping Act requires a ship
21 send a three-hours E.T.A. prior to the time of arrival
22 at the station. That gives the despatcher time to order
23 the pilot and the pilot boat to get to the station. It
24 normally takes us an hour to get from the base to the
25 limits of the station, and it takes roughly an hour for
26 the pilot to get probably from his home in heavy traffic
27 conditions to the station so we are on outside work, ships
28 entering the port on two hours notice; on an inside ship,
29 with ships moving around the harbour, or ships sailing
30 from the harbour, we are on one hour's notice, so we have



1 to be in readiness at all times.

2 Also when the despatcher calls us, we receive
3 any information about local breakdown of local aids,
4 temporarily inoperative, traffic condition, ships moving
5 and expected to move during that time, ships expected to
6 arrive, all traffic conditions that he knows about.

7 Q. Now Captain Crook I draw your attention
8 to Exhibit A of your brief. This is in three pages. Would
9 you just generally explain to the Commission what that
10 exhibit shows and the relationship of the number of pilot
11 movements and any accidents that have occurred?

12 A. This refers to the year 1960 and through
13 the year you see we have dropped from 20 down to 19
14 pilots. We started off in January with 20. In June we
15 dropped to 19. It shows a number of trips in and out of
16 the harbour. The month of January 346, and in that month
17 we had 91 moves. That would be ships moving from one
18 berth to another, ships moving from berth to anchor, and
19 vice versa. That month we had no compass adjusting work,
20 or engine trials. I might say that the accidents here
21 in Halifax, this year we had five. Now many of those
22 are of quite a minor nature. These pink sheets that I
23 heard mentioned yesterday are instructions by the By-laws
24 that anything unusual occurring during our movement on a
25 ship must be reported and a lot of these are quite minor.
26 They may be a line fouling in a propeller. It is cleared
27 without outside help and it may be brushing a ship's
28 shoulder on the pier, scratching the paint, maybe setting
29 the frames in. In other words, these need not be of
30 major concern. Some of them are.



1 COMMISSIONER SMITH: Mr. Dickey do you mind
2 an interruption here?

3 MR. DICKEY: No, please do so.

4 COMMISSIONER SMITH: In looking over the
5 exhibits A, B and C, referring to the accident frequency,
6 I have totalled the number up in three years which, according
7 to my arithmetic, comes to 18.

8 Before I came here, I asked the Department of
9 Transport to supply me with the information of casualties
10 in the harbour since 1939 and they gave me a statement
11 which I have in front of me showing only 19 accidents in
12 the harbour, or casualties which I take it means the same
13 thing, over a period between 23 and 24 years. These include
14 groundings and collisions, strandings, fires, hitting the
15 docks, in the main. In this list that I have here, which
16 is a very fine record so far as piloting is concerned in
17 this port, it shows only one serious accident, and it was
18 quite a serious one during the war. I think it was 1940
19 in the Basin where some lives were lost and a pilot was
20 disciplined and suspended for a period.

21 In this list, what I want to make clear Mr.
22 Dickey is this: while these exhibits show 18 accidents
23 in a period of three years, this information I have here
24 from the Department shows only 19 casualties over a period
25 between 23 and 24 years with only the one pilot involved,
26 disciplined and suspended.

27 THE CHAIRMAN: To complete the picture would
28 you say how many accidents are reported for 1960, 1961
29 and 1962?

30 COMMISSIONER SMITH: Yes. It is indicated



1 here by years. As a matter of fact, it stops. The last
2 casualty reported on this statement here is on November
3 7, 1958.

4 THE CHAIRMAN: None after that?

5 COMMISSIONER SMITH: None after that. That
6 is the end of the statement.

7 A. Well, sir, my lord, this may be a little out of
8 department, however as I said, these accidents here, only
9 include accidents, and some are very minor with a pilot gone
10 aboard. I know occasions where ships have fouled lines
11 with the propellers which has required a report, but it
12 actually has not entailed any expense, drydocking or
13 divers or outside help in many cases. I know in that
14 report we have the loss of life in past years. We had
15 two ships travelling without pilots. There was quite a
16 loss of life. Neither of these ships had a pilot on
17 board. A schooner was sunk. There was a large loss of
18 life. Also we had another ship recently, a large tanker
19 discharged her pilot well inside and the master was very
20 familiar and proceeded out and fouled on the Lichfield
21 shoals and caused considerable damage. Then a few years
22 ago we had the case of two small coastal tankers, one with
23 a pilot and one without. These are from memory.

24 MR. JACQUES: If I may interrupt, yesterday
25 there was filed as Exhibit 347 a complete statement of
26 all the casualties in the district here from 1956 to 1962.
27 If we take the first page of Exhibit A of the Pilots'
28 Brief which is Exhibit 358, the number of accidents occurred,
29 there are five given for 1960 in the Pilots' Brief and
30 five for 1960 in the statistics which I filed. In 1960



1 the majority of the casualties were as follows: one
2 grounding, three striking of docks and one collision. That
3 is in 1960. In 1961 there were four casualties, the four
4 were striking the docks. In 1962 there were nine casualties
5 eight of which were striking the docks and one was a ground-
6 ing.

7 COMMISSIONER SMITH: Do I understand this,
8 that so far as the Ottawa record is concerned which ends
9 in 1958, casualties or accidents of any significance reported
10 to Ottawa ceased in 1958; in other words there was nothing
11 worth reporting by way of casualty or accident after
12 1958?

13 THE WITNESS: Mr. Commissioner --

14 COMMISSIONER SMITH: I am not saying this
15 is a fact. I am wondering if this is so.

16 THE WITNESS: I have nothing to do with
17 this compilation. The only thing I could suggest is
18 possibly some of these accidents might not concern the
19 pilot office. The pilot office might not be involved.

20 BY MR. DICKEY:

21 Q I think you have misunderstood Commissioner
22 Smith. He has pointed out that since 1958 the Department
23 of Transport have no record of any casualties in the
24 Harbour of Halifax at all. He has asked you, if, in
25 fact, the reason for that is that the casualties that are
26 reported on your pink slips and which are shown in your
27 brief and in Exhibit 347 are so minor as not to have re-
28 sulted in any reporting of them other than for purposes
29 of pilotage records. I comprehended that is what you have
30 in mind.



1 A. I was coming to that, sir. These probably
2 are of a very minor nature and don't entail any inquiry.

3 COMMISSIONER SMITH: In order to clarify
4 the record I want to say here what I asked the Department
5 before:

6 "If you have in your Department a list
7 of shipping casualties in, and the
8 approaches to Halifax Harbour I would
9 deeply appreciate same for the period
10 1930 to date".

11 This was just a few days ago. That is what they supplied
12 me with. That document contains 19 casualties over the
13 period of 23, 21 years.

14 THE CHAIRMAN: In order to clarify the
15 question, when the District Supervisor of Pilots is re-
16 called will counsel ask whether any pink sheets were sent
17 to Ottawa in 1962 and 1961, if he recalls, for the
18 casualties reported in Exhibit 343.

19 MR. JACQUES: I requested that from the
20 Supervisor yesterday for the time that he has been in
21 office here, that he review all the accident reports which
22 are in his file.

23 THE CHAIRMAN: I would like to ask him
24 if the things reported in Exhibit 347, as far as he
25 is concerned, did he send those reports to Ottawa.

26 MR. JACQUES: He has been requested to
27 do that yesterday.

28 THE CHAIRMAN: This will be forthcoming?

29 MR. JACQUES: Yes, my lord.

30 MR. DICKEY: Perhaps you could refer briefly



1 to pages 2 and 3 of Exhibit A?

2 A. Here we see more compass adjusting and
3 engine trials. This compass adjusting is generally in-
4 corporated with some other move, usually the ship is on
5 her way to sea and adjusting before she clears.

6 Q What does that involve, Captain Crook?

7 A. Oh, an hour, possibly three or four hours
8 swinging the ship in the harbour with the compass adjuster
9 on board adjusting the compass.

10 Q. What about the engine trials, how do they
11 arise?

12 A. They can cover a good many things. When
13 the shipyards launch new destroyers they may be running
14 engine trials for a matter of a couple of months, engine
15 trials and anchor trials and speed trials over the measured
16 mile in outer harbour and also in Bedford Basin. It may
17 be the matter of a few hours. Normally it is with new
18 ships these engine trials would be all day. Also ships,
19 marine ships occasionally have engine trials after they
20 have a major overhaul or something like that. In 1962
21 we have the same thing, more engine trials and more compass
22 adjustments. Our effective pilots had dropped to 18
23 at the end of 1962.

24 Q. I show you Exhibit 347 which has been
25 referred to which is a report of casualties for the years
26 1962 to 1956. Your Exhibit A, refers to the years 1962
27 1961 and 1960. Insofar as the number of accidents is con-
28 cerned do those two exhibits conform for those three
29 years? Would you look at the exhibit?

30 A. I have no reason to doubt this report.



1 Q. Just look at 1960, 1961 and 1962 and see
2 if the number of accidents conforms to your exhibits?

3 A. They do.

4 Q. Yes. Looking at Exhibit 347 what are the
5 nature of the accidents as described there in respect to
6 seriousness?

7 A. 1962, 8 of them were striking the dock for
8 various reasons, some unknown, some wind, crew errors,
9 vessels out of control, loss of engine, loss of power.
10 I see one tug pushing at wrong angle, and finally one is
11 a grounding.

12 Q. And the other two years?

13 A. The other two years are all collisions with
14 docks. In 1962 I see one grounding, two collisions with
15 the dock and one collision with the Sun Amelia. I think
16 the Sun Amelia was tied at the pier and maybe was brushed.
17 These Basins are quite narrow and when you try to proceed
18 out between ships moored you have very little room to
19 manoeuver.

20 Q. Looking at Exhibit 347 I note several
21 items in the various years relating to the same ship, I
22 believe it is the Malvin H. Baker. Do you know of any
23 circumstances that might account for that ship being
24 involved in several accidents?

25 A. I can only speak from personal experience.
26 I don't believe I have ever had any difficulty, being
27 involved with the Malvin H. Baker in any sense of an
28 accident, but it is a difficult one. All I have seen so
29 far with the exception of one have been striking the dock,
30 and Bedford Basin is a large body of water with the heavy



1 wind for a long range there, and when you get to the
2 Gypsum pier you are right in the prevailing wind. At the
3 Gypsum pier with the north-west wind coming down the
4 length of the basin it does have considerable effect on
5 docking a ship, especially these ships when they are docking,
6 these bulk carriers are quite light and many times these
7 ships might be anchored waiting for conditions to moderate
8 to berth, but it is very easy to get into trouble at the
9 Gypsum pier.

10 Q. What type of construction is that ship:
11 the Malvin H. Baker?

12 A. She is a large bulk carrier, self-unloader
13 with the bridge and accommodation right aft.

14 Q. Do these bulk carriers generally enter
15 the harbour empty?

16 A. Yes, they carry, I think, quite a small
17 amount of water ballast. They usually fill the tanks
18 they have. To handle a ship in a light condition in the
19 heavy wind you get in the Basin is not too pleasant.

20 THE CHAIRMAN: The Gypsum pier in the
21 Bedford Basin, do they use a tug?

22 A. Oh yes, also anchors.

23 THE CHAIRMAN: I mean to berth the ships?

24 THE WITNESS: Oh yes, sir, tugs and
25 anchors. Quite often going along the Gypsum berths --
26 we have a very good tug service, but going to the Gypsum
27 berth you have to help the tugs with engines to the ship's
28 rudder.

29 THE CHAIRMAN: And anchor as well?

30 THE WITNESS: And anchor as well.



1 THE CHAIRMAN: It is a difficult job?

2 THE WITNESS: It can be very difficult sir.
3 It can be very awkward, sir.

4 THE CHAIRMAN: This is more than what
5 happens at the other piers you have, for instance, in the
6 Port of Halifax?

7 THE WITNESS: It is one of the most
8 exposed berths we have. Of course, there too the Gypsum
9 pier is a very good pier, very well fendered. They have
10 a problem. They can't put too much fenders at that pier.
11 They will put the ship too far back for the loading
12 range. They have done everything possible. We have
13 considerable difficulty with our approaches to that pier,
14 and the approaches are also bad. You have to go way up'
15 the Basin and then come back at the pier headfirst, more
16 or less. This may be awkward. We have a degaussing range
17 there, if you will refer to the Bedford Basin. We have a
18 degaussing Basin with a red flashing buoy.

19 BY MR. DICKEY:

20 Q. I show you Exhibit 360, which is Chart
21 4310, Bedford Basin. Perhaps with a green pencil you
22 might sketch from the Narrows the course that you must
23 follow in approaching the pier at Wright Cove?

24 A. The normal thing is to come up roughly in
25 the middle of the channel depending on the wind conditions
26 to give this buoy a good berth on the starboard side.

27 MR. JACQUES: Which buoy?

28 THE WITNESS: This one here is moved.

29 MR. JACQUES: The flashing red buoy off
30 the Gypsum pier; is that correct?



1 THE WITNESS: Off the degaussing range, and
2 traffic there is prohibited.

3 Q. Perhaps the record should show, my lord,
4 that the flashing red buoy as shown on the chart has, since
5 the chart was made, been moved to a new position north-west
6 of the position shown on the chart and circled in red by
7 the witness. Then continue?

8 A. And then to get into position to berth
9 you have to steer pretty much right at the Gypsum Pier
10 depending on wind conditions, of course. That could be
11 the southern limit of any course I would take, and probably
12 it could be over here about midway. On approaching the
13 Gypsum wharf, of course, with a north-west wind you have
14 to run the ship broadside to the wind to get her parallel
15 to the dock. Then you have arrived in position where you
16 have a ship at the mercy of the wind. That makes her
17 difficult to manoeuvre at the time.

18 THE CHAIRMAN: How many tugs are used for
19 that?

20 THE WITNESS: We have had no problem with
21 the availability of tugs, my lord; the tugs are at the
22 expense of the shipping company, and it has never been
23 my experience if I require three tugs they would refuse me.

24 THE CHAIRMAN: They are aware of your
25 difficulties?

26 THE WITNESS: Excuse me, I am probably
27 exceeding my authority. I would on occasion recommend to
28 the Master three tugs and it is, of course, up to the
29 Master.

30 MR. JACQUES: Excuse me for interrupting,



1 but while we are on the subject, how long has this degaussing
2 range been in operation?

3 THE WITNESS: I can't tell you exactly when,
4 but it was during the war, during the Second World War that
5 that was established.

6 MR. JACQUES: How long has the wharf been
7 there?

8 THE WITNESS: In the middle of the 1950's.

9 MR. JACQUES: After the degaussing range
10 had been installed?

11 THE WITNESS: That is a fairly recently
12 establishment, this Gypsom shipping.

13 MR. JACQUES: Why can't you go through the
14 degaussing range?

15 THE WITNESS: It is prohibited by the
16 Authorities.

17 MR. JACQUES: Is there any physical hinderance
18 in that range?

19 THE WITNESS: Well, there are numerous
20 buoys established there but actually it would make it much
21 easier if we could proceed through there, but the Naval
22 Authorities prohibit traffic through that degaussing range,
23 to the best of my information.

24 MR. DICKEY: Would you state for the record
25 how the location of the degaussing range and its limits
26 are shown on the chart?

27 A. Hatch, it is outlined by a hatched line
28 and there are numerous buoys established within this
29 line marking degaussing ranges as they exist.

30 Q And that whole area is shown on the chart



1 as a rectangle running out in a generally westerly direction
2 from the shore?

3 A. It is south of the Gypsum pier.

4 Q. It is south of the Gypsum pier?

5 And the records should show that the witness
6 has shown on the chart by means of an arrow in green the
7 direction of the prevailing wind identified with the word
8 "wind".

9 A. Prevailing and dangerous. Of course the
10 construction of the Gypsum is cellular construction and
11 the water passes right through the pier, so normally if a
12 ship was going alongside a heavy pier there would be a
13 cushioning effect. With the Gypsum pier that is not possible.

14 Q. Now, Captain Crook, can you state to the
15 Commission your views as to the importance of the Halifax
16 Pilotage service for purposes of commercial shipping
17 intending to or using the port?

18 A. I am probably prejudiced here, but I feel
19 that we effect considerable savings to shipowners; savings
20 in loss of time through stevedores, freight handlers,
21 linesmen. There is no doubt that we do get ships in
22 here. If a ship were to approach -- lots of ships were
23 to approach our pilot station and there was no pilot
24 available it means that he may be several days before
25 he gets back again under severe weather conditions. It
26 would be normal for him to get as much sea room as he
27 could.

28 Q. Would this result in delay?

29 A. It could involve several days delay.

30 We are quite conscious of the cost involved in loss of



1 time and I think without exception we endeavour to expedite
2 ships movements. I am sure when I was Master of a ship
3 there were many times I would have considered it impossible
4 to move if I weren't assisted by a pilot. I mentioned
5 yesterday security watches. I have been personally involved
6 in those on several occasions. Once just this winter a
7 ship had delayed too long in a dangerous berth and he
8 called for a pilot to assist him. At that time there
9 was nothing much I could do except try and hold the ship
10 alongside and keep her from causing herself considerable
11 damage. We were able to do this, and Mr. Cowley was a
12 considerable help there. On that occasion I phoned the des-
13 patcher on a radio-telephone and he got in touch with
14 Cowley and in a very short time the Harbour Board men were
15 down there with additional fenders.

16 THE CHAIRMAN: What condition caused this?

17 THE WITNESS: I am not aware of what her
18 log book showed. I would expect that night we would have
19 a 75 mile an hour wind causing a terrific sea. In fact,
20 I had considerable difficulty getting aboard the ship at
21 the docks. I recall that night the seas were coming and
22 hitting the stern of the ship and running between the
23 ship's side and the shed, sometimes a foot and a half
24 deep. I was soaking wet when I got on board. When I got
25 on board -- it was the type of ship with accommodations
26 aft and we were having a heavy spray over the ship, that
27 tied up at the dock. This is an abnormal condition, and
28 of course, we wouldn't be called for assistance as
29 security except under such conditions.

30 THE CHAIRMAN: At what pier was that?



1 THE WITNESS: 34. I know very well that,
2 I feel that I contributed considerably to effecting savings
3 and damage to the ship that night. It only lasted a few
4 hours, and of course it dropped completely in half an hour's
5 time when the weather started to moderate. It was as smooth
6 as it could be with the exception of a slight swell
7 remaining.

8 BY MR. DICKEY

9 Q What are the interests of shipowners
10 that are involved in these considerations of the availability
11 of pilotage service?

12 A. I can only speak personally. When a ship
13 Master is approaching a dock he has many things on his
14 mind.

15 Q I said ship owners?

16 A Ship owners, excuse me. I would think in
17 my opinion it is the saving of loss of time, expediting
18 passage of the ship and also additional safety of the
19 ships. If a ship were involved in a marine accident she
20 may be delayed considerably being repaired.

21 Q. What about the interests of the masters
22 of ships trading into this port?

23 A Well, of course, when a master is
24 approaching port he has a good many things on his mind
25 apart from the normal navigation of the ship. Of course
26 that is also one of his prime considerations. We have
27 electronic aids, but it is not unusual for ships coming
28 in from a long sea voyage to have these aids inoperative
29 and require shore assistance in repairing them. You may
30 on occasions come down to having nothing but a magnetic



1 compass to assist you, and not a very good one at that.

2 Under those conditions, of course, things are
3 not too good. Pilots don't appreciate that sort of thing
4 but they are capable of overcoming it. Of course, the
5 Master, when a Master is approaching the port, he has a
6 good many problems on his mind. He has custom business,
7 immigration business, he has many duties of the ship master,
8 and I have always felt that the more help I could get,
9 and I have also heard Masters speak this way, I cannot
10 think of anybody in particular at the moment, but I recall
11 one time a man told me he would consider himself negligent
12 if he did not avail himself of every possible assistance
13 for the safety of a ship.

14 We also have numerous ships coming without
15 any local connections, and sometimes we have quite a bit
16 of difficulty locating agents. Of course, this is done
17 through our despatching office. We inform our despatcher
18 and he calls all the local shipping agents and finally
19 finds somebody to act in the shipmaster's stead. Some-
20 times, occasionally, the master will do his own business
21 but nowadays that is pretty unusual. It is not practiced.
22 It is not normal.

23 Q. Now Captain is there, in your view, and
24 in your experience, any public interest involved, that
25 is the interest of the public generally in the availability
26 of pilotage service in this port?

27 A We have considerable congestion on holidays
28 and weekends in the harbour during the summer with
29 pleasure craft. Our office gets this information from the
30 local yachting people, and it is not unusual for them to



1 have not only senior races, but junior races, youngsters
2 sailing in dinghys in the ship's channel. Normally
3 pilots exercise considerable precautions anyway, but of
4 course when we are aware these children are in these boats,
5 you can expect almost anything. Some of them are very
6 good. Some of them could be inclined to be reckless.

7 Q. Do these yachting activities follow any
8 particular pattern that you are familiar with from your
9 local knowledge?

10 A Yes. I have a reasonable knowledge of
11 what to expect with these yachts. What they will probably
12 be doing under racing conditions.

13 Q. Do they have a special course to follow
14 with which you are familiar, and know the general extent
15 of them, and that sort of thing?

16 A Yes. Although, of course, it depends on
17 the man sailing the yacht how he makes the different buoys
18 and different course points.

19 Q. But you are familiar with the various
20 buoys and aids to navigation that are used for setting
21 up a yachting course, and that sort of thing?

22 A. I am.

23 Q. In the area?

24 A Yes.

25 COMMISSIONER SMITH: There is also a
26 broader field of public protection in the nature of the
27 cargoes that are carried by ships. Explosives or fertilizer,
28 nitro prills, there is a danger of explosions, and damage
29 to harbour installation and possibly loss of lives.
30 There is that also added to what you have said.



1 THE WITNESS: Very much sir. There are
2 explosives handled in Halifax Harbour. It is not unusual
3 for City firemen to be standing by during their handling,
4 and we are aware of this, of course. The dockyard informs
5 us of all of their traffic with explosive cargoes, and
6 all of their traffic is escorted by a fire boat showing
7 the proper signals.

8 We are aware of their movements and when. How-
9 ever, we have one thing that is more or less overlooked,
10 and that is tankers, tankers in a light condition. If
11 they are not gass free, they could cause a terrific
12 accident, if they were to be in collision. They have had
13 them in American Ports, a collision between a tanker
14 and a ship; accidents in which tankers have been involved
15 when the whole river may be in flames and loss of life
16 on board the ships, and considerable property damage on
17 shore.

18 Personally, I exercise caution. I am quite
19 aware of what might happen if a ship were to collide with
20 one of the oil docks. You could have considerable damage
21 there. This is my own personal opinion. If there were
22 oil spillage in the harbour, this could create a major
23 problem.

24 Explosive cargoes are under the direction of
25 the Harbour Master. They have special anchorages and
26 special berths, and of course we are fully aware of what
27 kind of business the ship is involved in.

28 Q. Now are there any quarantine regulations
29 in the Port of Halifax and do pilots perform any function
30 in connection with that regulation?



1 A. Yes. We are in direct communication with
2 the port medical office. Halifax is a large quarantine
3 port. It is the terminus of long ocean voyages, and
4 probably a good many long ocean voyages from the Far East
5 and Near East, and these ships, of course, are in quarantine
6 until they are inspected and visited by the doctor.

7 This varies. Usually the doctor instructs us
8 to anchor and wait. Sometimes he may instruct you to berth
9 the ship and not lower a gangway until he arrives. We
10 have lots of ships, of course, coming with no knowledge
11 of quarantine regulations. If we can get in touch with
12 our office by ship telephone -- otherwise, it is not unusual
13 to call the pilot boat back alongside and ask him to
14 get in touch with our office and contact quarantine, and
15 of course quarantine then instructs us what they wish
16 us to do with the ship in question.

17 We have had smallpox scares, and that sort of
18 thing, but not recently.

19 Q. Do you as pilots have anything to do with
20 the law enforcement bodies in connection with your work?

21 A Well we have instructions to watch for
22 oil spillages, pumping in the harbour, discharging of
23 water ballast from tankers, possibly from engine room
24 bilges, and other ships. We do, more or less, police
25 that. We have instructions to do so and inform the
26 authorities if we see anything of this nature occurring.

27 Q Do you have any regular connection with
28 any of the Intelligence Services?

29 A. Yes. Our office is in contact with both
30 R.C.M.P. and Naval Intelligence, and also pilots individually



1 are. On occasion it may be necessary that they might
2 call you, or you might call them.

3 Q This is in connection with their res-
4 ponsibilities?

5 A. Yes.

6 Q. Captain Tuzo in his evidence referred to
7 the anchorage of ships in the harbour, and the various
8 locations. Have you pilots, in your experience, any
9 particular responsibility in this connection and in re-
10 lation to interference with underwater services, and that
11 sort of thing?

12 A Yes, definitely. The Harbour Master has
13 laid out normal anchorages but on occasion the ship might
14 have to anchor under abnormal conditions and the Halifax
15 Harbour is, in many places, a network of underwater
16 utilities, power, telephone, defence. There are many kinds
17 of cables across Halifax Harbour. A lot we know about
18 officially. A lot we know about unofficially.

19 It is our responsibility, of course, to endeavour
20 to keep clear of these areas with an anchor, whenever
21 possible. The ones I speak about, officially, there are
22 some of these plotted on the charts but my experience
23 has been that there is considerable that may be considered
24 classified.

25 MR. JACQUES: What was that again, the
26 last part?

27 THE WITNESS: I may be speaking out of
28 turn. There are probably considerable number of cables
29 that may be classified.

30 MR. DICKEY: That is their location and



1 existence even?

2 THE WITNESS: That is right.

3 THE CHAIRMAN: I suppose for the users of
4 the harbour, they would not be placed where it is permitted
5 to anchor?

6 THE WITNESS: Not necessarily, my lord.

7 THE CHAIRMAN: It is quite a hazard for
8 those who do not use a pilot here.

9 THE WITNESS: It has happened -- we had
10 quite a disruption within the last two years. I am not
11 fully aware of the date. It did occur on one occasion,
12 to my knowledge. There was no pilot involved when the
13 anchor happened to go down.

14 Q In your evidence yesterday you made some
15 general reference, in the introductory part, to weather
16 conditions. What have you to say as to the experience
17 in the Port of Halifax, of extreme weather conditions
18 having an effect on the essential nature of the pilotage
19 service?

20 A. Our weather conditions are, at times,
21 bad. Extreme. However, it is very seldom that traffic
22 actually ceases in Halifax Harbour under pilotage.

23 Now on occasion ships anchor waiting for
24 winds to moderate to berth, and we do have occasion of
25 security watches aboard ships at anchor.

26 We have occasionally -- if it is too rough for
27 the pilot vessel to maintain her outside station, the
28 normal procedure then is for the Master of the pilot boat
29 to send a message to all ships, or to ships that he
30 knows are approaching, that the pilot vessel may be



1 operating in the vicinity of Mars Rock, or something to
2 that effect. Then on occasion it is necessary to probably
3 go outside and lead these ships in to where it is safe
4 for a pilot to board. Actually on the Halifax Pilot
5 Station statistics show that this boarding and leaving
6 ships can be quite dangerous.

7 We have had several men badly injured, and
8 some critical, of course, in collisions, but actually
9 boarding these ships from the pilot vessel and disembarking
10 is a dangerous operation.

11 THE CHAIRMAN: Would you amplify that
12 please?

13 THE WITNESS: Not with actual dates my
14 lord but I recall Captain Hickey, shortly after he came
15 in the service, he was crushed between the pilot boat and
16 the ship's side and I think most of his ribs were broken
17 and he had a crushed pelvis, and in fact, for a while we
18 were doubtful if he would recover.

19 THE CHAIRMAN: What do you use to board
20 the ship? An accommodation ladder or a Jacobs ladder?

21 THE WITNESS: A pilot's ladder. Out in
22 our station it would be impossible, it would not be
23 feasible to use an accommodation ladder. We use the
24 normal pilot ladder. Of course when you get a high light
25 ship, accompanied with high winds, and heavy swells, it
26 can be quite awkward.

27 We have two men off now injured on duty. They
28 have been off, one since late in November and one since
29 early in December.

30 THE CHAIRMAN: What happened to them?



1 THE WITNESS: One man had a torn cartilage
2 in his knee and the other man, I don't know, it was a disc
3 injury in his neck. He had jumped aboard a ship, jumped
4 over the rail and fallen and struck his back on deck cargo,
5 or something.

6 THE CHAIRMAN: I did not want to interrupt
7 you.

8 MR. DICKEY: That is quite all right my
9 lord.

10 THE WITNESS: I myself was in the hospital
11 this winter with a toe injury. We do a lot of jumping,
12 and in bad weather occasionally we are involved in an
13 accident. Most of us carry private accident insurance
14 and we are required to pay a risk premium; a premium on
15 our policy.

16 COMMISSIONER RENWICK: I am not aware,
17 my lord, that Workmen's Compensation has been discussed
18 in the premises.

19 MR. DICKEY: Perhaps Captain Crook could
20 say something on that.

21 A. Some of us have investigated that, Mr.
22 Commissioner, but I am not too sure how I would feel.
23 That is the reason we have built-in benefits in our
24 by-laws. We feel, as our Supervisor, Captain Latter
25 mentioned yesterday, if a man is injured on duty, he has
26 the first six months on full pay, to which we all contribute.
27 In other words, we do his work when he is injured and
28 the next six months on half pay and then, if necessary,
29 it can be reviewed, and it can be continued. This has
30 not been necessary, in my experience.



1 However, we feel although it does cost, it is
2 our personal cost. It is a much better benefit than
3 Workmen's Compensation, in some ways. I am thinking of
4 earnings only. I don't think there is anybody -- personally,
5 I would welcome some sort of Workmen's Compensation because
6 of loss of limbs, and that sort of thing which would cancel
7 you from the job forever.

8 COMMISSIONER RENWICK: We find there is
9 no pattern, as we move around the country. Some pilot
10 bodies have Workmen's Compensation coverage. Some have
11 not. The rates seem to vary between \$2.50 and \$3.50 per
12 \$100.00 payroll, if you could call it payroll.

13 THE WITNESS: I haven't gone into this
14 personally sir. I believe, or I am led to believe that
15 being self-employed as we are, we may be beyond the limits
16 of the Act. I have nothing to substantiate that statement.

17 Q. Thank you Mr. Commissioner. Now have you
18 anything to say in relation to weather conditions and
19 the attitude of Masters approaching the port, as to whether
20 they require assistance or not?

21 A My experience has been that I have never
22 boarded a ship, in my experience, on which I have not been
23 welcome. That is all I can say.

24 Q Is there any particular traffic normally
25 using the Port of Halifax which, by reason of the size or
26 configuration of the ships, make pilotage, in your opinion,
27 essential?

28 A. Well these large heavy draught vessels,
29 I can only give my own views. I am reasonably sure that
30 there would be a fantastic delay in ships entering the



1 port. It certainly may mean a daytime port. It may
2 also be a daytime fine weather port.

3 A master with a ship drawing 42 feet of water,
4 or a pilot with a ship drawing 42 feet of water has to be
5 quite certain where he is. He can deviate. If he does,
6 he is in serious trouble. Also, accompanied with this
7 maximum draught you have loss of manoeuvrability, and
8 also the size of the ship - in other words, you have got
9 a deep clumsy ship. Those certainly would be at a dis-
10 advantage.

11 Then, of course, also there is much information
12 that you give the Master that is not available to him
13 from other sources. You are his first contact with the
14 shore and there are a lot of masters who are surprised to
15 find that Halifax is a daylight port. I have been asked
16 on numerous occasions do you handle ships at night time?
17 Do you handle ships during the night? What about wind?
18 The only thing I have been able to tell them is normally
19 we have a 24 hour a day service.

20 With the exception of extreme cases of weather
21 conditions, ship movements go on continually.

22 Q. Now Captain have you ever used radio or
23 any other means of that kind to bring ships in to a point
24 where, under extreme conditions, they can be boarded and
25 brought in?

26 A. Yes. Before the pilot is aboard?

27 Q. Yes?

28 A. Yes. Sometimes ships are equipped with
29 radio, so we can contact the ship directly. Of course
30 we do that. Also our office and our despatcher can also,



1 through the master pilot boat, contact the ship through
2 the local radio station. Possibly the ship is not fitted
3 with telephone. They can contact her on C. W. This is
4 quite often used.

5 It is not unusual for a pilot boat to call a
6 ship and suggest a course he might steer to the pilot
7 station. Of course, that has to be very carefully done
8 but they do everything that is reasonable to assist a
9 ship. At the same time, with caution. In other words,
10 if you were to transmit a complicated set of instructions,
11 they could be confusing and care is exercised in that way.

12 Q. Now what it is the situation at present
13 in Halifax with respect to the regulations or payment of
14 pilotage dues by traffic using the port?

15 A. We fill out our source card. The Master
16 signs it. We enter this on a report form in the despatch
17 office and enter the charges up from the rate book. We
18 know what services we have performed. If it has been in-
19 ward and outward. If it has been a movage, If there is
20 detention involved. It may be an inward and movage.
21 If it is a compass adjusting, trial trips, whatever service
22 we perform and is chargeable.

23 Q. Now what traffic is required to pay pilotage
24 dues?

25 A. Foreign flags. Canadian ships over 1,000
26 tons, with some exceptions. Canadian Navy, Royal Navy
27 and American Navy are exempt. Payment of pilotage, of
28 course, is at the Minister's discretion. Any exemptions
29 are at the Minister's discretion.

30 Q. But the payment of Pilotage, where it applies,



1 in accordance with the regulations is compulsory. Is that
2 correct?

3 A. That is right. Pilotage payment is compul-
4 sory. Pilotage is not.

5 Q Would you state to the Commission any views
6 that the Halifax pilots have with respect to this system
7 of compulsory pilotage and whether or not you consider
8 that any improvement or change could, or should be made
9 in that system?

10 A. Well I have felt that the compulsory payment
11 of pilotage would normally be compulsory pilotage. It's
12 a service that you have to pay for. You would normally
13 use it, but it may be, I am thinking now in the case of
14 dangerous cargoes, it might not be adequate in that respect.
15 I feel that it is not. These ships are still not required
16 to carry a pilot and they may proceed on their own, if
17 they so desire. There may be some room for improvement
18 there. It's a little beyond me, but personally I think
19 that probably it might not be as fully covered as it could
20 be.

21 COMMISSIONER SMITH: Do you mind if I ask
22 the witness a question?

23 MR. DICKEY: No, please do.

24 COMMISSIONER SMITH: Is it your opinion
25 that the fundamental and predominating element of pilotage
26 is safety, and that pilotage should be compulsory; other-
27 wise by interjecting an economic factor, such as the pay-
28 ment of dues without taking a pilot, is compromising with
29 the safety of lives and property and watering down pre-
30 ventive measures. Is that your view?



1 THE WITNESS: I feel they are sir. I think
2 I would agree with that wholeheartedly.

3 THE CHAIRMAN: You are not finished with
4 that subject? You are not finished with that line of
5 thought? The witness looks quite at ease in the stand.
6 He has been there for an hour and a half and it might be that
7 some of you would like to smoke.

8 MR. DICKEY: This would be a convenient
9 point to have a little recess my lord.

10 THE CHAIRMAN: We will adjourn for a few
11 minutes. --short recess--

12 Q. Captain Crook, can you explain to the
13 Commission, please, the present status of the pilots in
14 the Act and Regulations under which the Halifax Pilotage
15 Authority operates, the Halifax Pilotage District?

16 A. Well, we are licensed and administered
17 by the Pilotage Authority, but we are not paid out of
18 public funds. It is confusing to some, but my common
19 description is if I don't work I don't get paid. We have
20 a pool system in Halifax where after certain deductions,
21 5 per cent of our gross returns goes to pension, to a
22 pension fund, and then after some disbursements the re-
23 mainder is divided up amongst the body of the pilots. It
24 is pro-rated as to the time they have worked. We feel
25 that this is the best way. We have a vested interest in
26 the service. It is our personal responsibility to maintain
27 the service, to satisfy our customers who are the ships
28 and the ship owners, but we feel at the same time that they
29 require us and some of the responsibility is theirs. As
30 I say we are licensed and administered by the Department.



1 The Minister is the final Authority, of course. We have a
2 Local Supervisor who is a Department employee, and of course,
3 the Pilotage Authority in Ottawa.

4 We work on a 24 hour basis throughout the year
5 and there is no fixed leave. When we go on leave, some of
6 us go on leave, others assume the responsibility for the
7 operation of the service. It is pretty hard to tell when
8 there may be extreme demands on the service. Just this
9 morning 7 pilots were active piloting ships and an eighth
10 one was on jury duty at the same time. We are available
11 throughout the year, night and day, under all conditions.
12 We have through experience at the various times changed
13 our procedures, and we feel now we are on the tour de roll
14 system and there is the least possibility for any holdup
15 to shipping. In other words we are all on a roster and
16 whichever ship comes up it falls to the pilot that is at
17 the head of the list, regardless of what it may be. We
18 have considerable experience. I believe our youngest
19 pilot in service has been here six years. We have problems.
20 A good many of our pilots are approaching retirement age,
21 and of course, we have a minimum limitation on entering
22 the service. The maximum age is 45. We feel this tour
23 de roll system has eliminated all possibility of any holdup
24 or anything that might cause the service to deteriorate
25 or to fail at times. We have had approaches from the De-
26 partment involving prevailing rate employment. This has
27 appealed to some of our members, and others of us are not
28 too enchanted by it. We feel there could be improvements
29 to this offer.

30 Personally one of my main objections is the term



1 "prevailing rate". I feel that with our qualifications
2 and our experience and the fact that we have been involved
3 in this for some time and it is an old service that pre-
4 vailing rate is not as good as I would like to have. Under
5 the system offered our benefits don't compare to the benefits
6 that we have built in to our by-laws, that we have in our
7 by-laws as a protection. I am thinking now in the case
8 of accidents, personal accidents on duty; six months on full
9 pay and six months on half pay and a possible continuation
10 of that period. I think that is quite a good guaranteed
11 income and, of course, our occupation is dangerous. We
12 are certainly not a sheltered port and we may be involved
13 in a personal accident at any time.

14 Q. Can you assist the Commission with respect
15 to any views as to what the potential effect on the pilot-
16 age service might be of the proposals that have been put
17 forward.

18 A. I can only speak personally, but from
19 my experience if an employee has a vested interest in his
20 occupation it probably encourages him to do the best he
21 can. Of course in our present status it is our responsibility
22 to see that we provide satisfaction because, as I say,
23 we have no fixed income. We only derive our income from
24 the work we do in assisting ships. I think that the pilot
25 service does offer other service that the public should
26 be contributing towards, but that is my personal opinion.

27 Q. Now, the by-laws of the district, Exhibit
28 No. 328, provided for the Pilots' Committee, and in your
29 evidence you stated that you have been a member of the
30 Committee for two years and Chairman of the Committee two



1 years.

2 COMMISSIONER SMITH: Do you mind my asking
3 a question before you continue?

4 MR. DICKEY: Please do.

5 COMMISSIONER SMITH: Captain, I would like
6 to ask you this question. It brings up the point raised
7 in your brief about the application of pilots here to
8 come under the Civil Service Superannuation Act for pension
9 benefits. Perhaps you intended to come to later, but I
10 will ask it now.

11 Captain, is it your opinion that in addition to
12 being a navigational expert in confined restricted and
13 sometimes dangerous waters a pilot is a quasi public servant
14 embraced within the federal law for the safety and promotion
15 of the export and import commerce through the nations harbours
16 not a civil servant but advocating an equivalent pension
17 status to enable pilots to qualify and receive pension
18 benefits under the Civil Service Superannuation Act;
19 suggesting appropriate amendments to said Act for that
20 purpose.

21 A. Yes.

22 Q. Is that a clear statement of your position?

23 A It is a little more involved, probably than
24 I had in mind, sir, but I feel that now in our present
25 position I personally am not entitled to a pension although
26 I am contributing 5 per cent towards the pension. I feel
27 that is unjust and I think there could be some formula
28 worked out whereby we could come under the Superannuation
29 Act without too much difficulty. There would be considerable
30 difficulty but I don't think it is impossible.



1 COMMISSIONER SMITH: The Act would have
2 to be amended, of course.

3 THE WITNESS: Under the new system I am
4 not too sure. Of course that is in the future. I do
5 feel we should have some pension plan and in the past
6 years, of course, the pension plan that they had was in-
7 adequate. The pilots were paying what they will. It was
8 set between them and the Department, 7, 5, 10 per cent and
9 on occasion 15 per cent, part of which was refunded, and
10 so at the time, up until 1956, and that includes all
11 pilots who entered the service prior to myself.--I am the
12 first man in new group.--the money they were paying into
13 the pension fund only entitled them to \$40.00 a year with
14 a maximum \$1,600.00 per annum. That could have been adequate
15 as early as the 1920's but I feel in the 1950's and 1960's
16 it is out of proportion. Of course this was originally
17 set up and administered probably before there was too
18 much actuarial advice. There were bad features to it and
19 it got into a bad financial state. However, since 1956
20 no pilots paying into the pension receive benefits after
21 1956. That includes all of us, the 18 pilots involved.
22 Their service terminated in 1956. However, they are still
23 contributing to maintain the pension. Any service they
24 have had since 1956 is not included in the pension plan
25 for themselves.

26 COMMISSIONER SMITH: Yes. Do I understand
27 that the brief says no pilots are entitled to any pension
28 benefits for service since March 31, 1956, that those
29 contributions that you make are for somebody else?

30 THE WITNESS: That is right.



1 Q. Nothing whatever to do with your pension
2 benefits?

3 THE WITNESS: Sir, I am contributing 5 per
4 cent and I will receive no benefit whatsoever under the
5 present conditions.

6 MR. JACQUES: Excuse me, do you mean to say
7 you pay 5 per cent of your earnings into this pension fund
8 and that you are entitled to no benefits at all?

9 THE WITNESS: That is right, definitely.

10 COMMISSIONER SMITH: That is what the brief
11 says.

12 MR. JACQUES: What about your pension?

13 THE WITNESS: I don't have a pension.

14 MR. JACQUES: Yet you contribute to the pension
15 fund?

16 THE WITNESS: I do.

17 MR. JACQUES: Thank you.

18 THE CHAIRMAN: In other words you contribute
19 to the fund in order to look after the liabilities that
20 have been incurred before?

21 THE WITNESS: That is right, and of
22 course some of our members, members that were here prior
23 to 1951, they will get some pension, but it is still not
24 in relation to the money that they have paid into the fund.
25 Their cut-off date was 1956. I joined the service in
26 October, 1952 and in March, 1956 I had not been in the
27 service for five consecutive years so my contributions
28 were refunded at that time along with I think four other
29 men. I am the first one. I am the oldest man in service
30 of the new group, if we consider that as a new group.



1 MR. DICKEY: So far as all the pilots are
2 concerned they have contributed five per cent per annum
3 since 1956, but none of them get any benefits for the
4 period of service since 1956?

5 A That is right.

6 Q. Now, Captain Crook, Exhibit 328, Section 5
7 sets out the Pilots' Committee. Will you read into the
8 record the final sub-section 5 of that section?

9 A. Sub-section 5, Section 5:

10 "The Pilots' Committee shall be recognized
11 by the Authority and the Pilots as the
12 sole agent through which representations
13 may be made in all matters affecting
14 the pilots collectively or individually".

15 Q. Under the provision has the Pilots' Committee
16 over the period of years dealt with matters of importance
17 to the pilots with the officials of the Pilotage Authority?

18 A. That has been my experience.

19 Q. Now, what has been the experience recently
20 with respect to dealings by the officials of the Pilotage
21 Authority with the Pilots' Committee and with the pilots
22 individually?

23 A. Well, we were approached individually and
24 the Pilots' Committee only received a personal letter the
25 same as the rest of the pilots.

26 Q. Have you taken that up with the Department,
27 with the Officials of the Pilotage Authority?

28 A. I am not aware. I haven't.

29 Q. Do you regard that, these individual
30 approaches as in conformance with the provisions of the



1 by-law you have read or not?

2 A No, I think this was the intent and purpose
3 of this Section of the By-law, that individual pilots
4 wouldn't be approaching the Authority, that all negotiations
5 would be conducted through the Committee.

6 THE CHAIRMAN: I would like you to amplify
7 that and give facts. I would like you to amplify the last
8 reply and gives facts as to that, what has happened.
9 The reason I am asking is not to get into the question of
10 the status of the pilot and what he should do, but as to
11 the dealings and the relationships between the pilots and
12 the government, the Pilotage Authority.

13 MR. DICKEY: Yes, my lord.

14 THE CHAIRMAN: If you want to come back to
15 it later that is all right.

16 MR. DICKEY: My lord, through another wit-
17 ness I will file correspondence direct to the individual
18 pilot from the Authority.

19 THE CHAIRMAN: I would like to have the
20 whole story of the dealings to find out whether or not the
21 Authority talked to the Pilotage Committee or direct to
22 the pilots as we have heard.

23 MR. DICKEY: Yes.

24 Q Now, would you tell the Commission, Captain
25 Crook, exactly what your personal experience has been with
26 respect to approaches and negotiations direct between
27 the pilots, individually and the Officers of the Authority
28 without going through the Pilots' Committee?

29 A Well, I think the Exhibit will -- if you
30 will pardon my deviation from the dates, I think the original



1 submission was in 1961, and I believe at that time we asked
2 for more study and thought and I personally, of course,
3 at that time thought that this was a Civil Service
4 Appointment.

5 Q What are you speaking of?

6 A. These dealings.

7 Q. How did that arise, first of all, Captain?

8 A. Well, we all had correspondence and a
9 folder from the Authority. I am not sure now whether that
10 was addressed to us individually or came through our Supervisor.
11 However, we had a meeting with the Pilotage Authority to
12 discuss this employment.

13 Q. Was it directed to the Pilots' Committee
14 or not?

15 A. I don't believe it was. I am not certain
16 of that. I wasn't advised at that time.

17 THE CHAIRMAN: Excuse me. I know that we
18 all know what it was about, but for the record I would like
19 to know the nature of the dealings. We all know what it
20 is.

21 Q. What was the matter that was raised and
22 under discussion in connection with this?

23 A. It was the offer for government employment
24 of the pilots in the Halifax District.

25 Q Would that have affected the status of
26 the pilots?

27 A. I feel personally, yes, and from the results
28 I think that was unanimous. It was refused.

29 Q How did these negotiations and correspondence
30 then proceed?



1 A. Well, there was some lag then of time, and
2 I believe in December, just before Christmas was our next
3 approach. I believe the date was December 20th, in that
4 vicinity. This was a letter to the individual pilots,
5 an offer of employment. Since that there has been several
6 more.

7 MR. DICKEY: Perhaps, my lord, it would be
8 of assistance to the Commission and to the record being
9 complete if I were to request this witness step down
10 temporarily and I will put the correspondence in through
11 another witness and then continue with this witness.

12 THE CHAIRMAN: If you wish.

13 MR. DICKEY: I will call Captain D. T.
14 Himmelman.

15
16 DOUGLAS THOMAS HIMMELMAN, sworn

17 THE SECRETARY: Your full name?

18 THE WITNESS: Douglas Thomas Himmelman.

19 THE SECRETARY: Your occupation?

20 THE WITNESS: Pilot, Halifax.

21
22 DIRECT EXAMINATION BY MR. DICKEY:

23 Q. You are a pilot in the Halifax District,
24 Captain?

25 A. I am.

26 Q. Are you a member of the Pilots' Committee?

27 A. I am.

28 Q. When were you elected to the Pilots'
29 Committee?

30 A April of this year.



1 Q. That was the first occasion on which you
2 were elected?

3 A No. I was on the Committee some two years,
4 back two years ago, 1960, prior to 1960, I think it was.

5 Q. Your present membership started in April
6 of this year?

7 A. In April of this year.

8 Q Yes. Now, Captain Himmelman, have you
9 over a period of years past received correspondence from
10 the Superintendent of Pilotage addressed to you personally?

11 A Yes, I have.

12 Q Captain, I show you Exhibit 360. Would you
13 state what that is and its date?

14 A. It is dated July 14, 1961. It is a letter
15 from the Superintendent of Pilotage in Ottawa.

16

17 ---EXHIBIT NO. 360: Letter to Captain Himmelman dated
18 July 14, 1961 from the Superintendent
of Pilotage.

19

20 Q. How is it addressed?

21 A. It is addressed to me personally.

22 Q. To what does that letter relate?

23 A. Well, it is information relating the terms
24 and conditions of employment that would be applicable
25 to pilots in the Halifax Pilotage District to become
26 employees of the Department of Transport.

27 Q Yes. That was received by you about the
28 date of the letter; is that correct?

29 Q Yes, or a few days after the date. I would
30 say about the 16th or 17th of July.



1 Q. Now, I show you Exhibit 361. Would you
2 state what that is and its date?

3 A. It is another letter received from the
4 Director of Administration and Personnel of the Department
5 of Transport, Ottawa. It is dated December 20, 1962 and
6 is actually a followup from the 1961 letter outlining some
7 of the revised conditions having to do with the employment
8 of pilots as government employees.

9
10 ---EXHIBIT NO. 361: Letter from the Director of
11 Administration and Personnel of
12 the Department of Transport, dated
13 December 20, 1962. Outlining some
14 revised conditions having to do with
15 the employment of pilots as Government
16 employees.

15 Q. To whom is that addressed?

16 A. That is addressed to me personally.

17 Q. At what address?

18 A. At my residence in Halifax.

19 COMMISSIONER SMITH: Are prevailing rate
20 employees mentioned?

21 THE WITNESS: Not in this particular letter.
22 Yes, it is so.

23 Q. Whereabouts is it mentioned?

24 A. In Section C on Page 2 of this letter it
25 mentions prevailing rates.

26 Q. I show you Exhibit 362. What is that
27 Captain?

28 A. This is a letter under the signature of
29 the Superintendent of Pilotage. It is addressed to me
30 personally at my residence in Halifax. It is dated Ottawa,



1 January 23, 1963 and it is a letter acknowledging receipt
2 of an answer from me regarding the employment as a pre-
3 vailing rate employee with the Department of Transport.

4 Q That is an answer to the letter Exhibit
5 361, is that right?

6 A. No. This is an answer to a letter which
7 I would have written after receiving the Exhibit 361, yes.

8 Q. Precisely. Now I show you Exhibit 363.
9 Would you describe in a similar manner what that document
10 is?

11 A. This letter is from the Superintendent
12 of Pilotage, Ottawa. It is dated March 4, 1963 and it
13 is addressed to me personally at my residence in Halifax
14 and it deals also with the prevailing rate employment
15 and discussions which have been going on between the pilots
16 and the Department of Transport.

17 Q I show you Exhibit 364. Would you similarly
18 describe that document please?

19 A Exhibit 364 is dated at Halifax, March
20 13, 1963, and this is from the District Supervisor at
21 Halifax and it is addressed to me personally at my
22 residence in Halifax and it deals with a meeting which
23 will be forthcoming to discuss with officials from the
24 Department prevailing rate employment.

25
26 ---EXHIBIT NO. 362: Letter under the signature of the
27 Superintendent of Pilotage. dated
28 Ottawa, January 23, 1963.

29 ---EXHIBIT NO. 363: Letter from the Superintendent of
30 Pilotage, Ottawa, dated March 4,
1963 dealing with prevailing rate
employment.



1 ---EXHIBIT NO. 364: Letter dated Halifax, March 13, 1963
2 from the District Supervisor at Halifax
3 dealing with a meeting forthcoming to
4 discuss with officials from the
5 Department prevailing rate employment.

6 Q. I show you Exhibit 365. Would you please
7 similarly describe that document?

8 A That document is dated Ottawa, April 11,
9 1963. It is from the Superintendent of Pilotage in Ottawa.
10 It is addressed to me personally and it deals with the
11 prevailing rate employment or an answer to a letter which
12 a group, or portion of our pilots have discussed with the
13 Department.

14 ---EXHIBIT NO. 365: Letter dated Ottawa, April 11, 1963
15 from the Superintendent of Pilotage
16 in Ottawa to Mr. Himmelman dealing
17 with prevailing rate employment or
18 an answer to a letter which a group,
19 or portion of our pilots have dis-
20 cussed with the Department.

21 Q. I show you finally Exhibit 366. Would
22 you similarly describe that document?

23 A. Exhibit 366 is dated Ottawa, April 25, 1963
24 and it is from the Director of Marine Regulations in
25 Ottawa. It is addressed to me personally and it is also
26 a letter dealing with the prevailing rate employment.

27 MR. DICKEY: That is the correspondence
28 my lord, and I now ask Captain Himmelman to stand down.
29 I have spoken to my learned friend, Mr. Jacques, and
30 he wishes to put aside any cross-examination until later.
Captain Himmelman will be available to return to the stand
at that time.

THE CHAIRMAN: That is all right.



1 ---EXHIBIT NO. 366: Letter dated Ottawa, April 25, 1963
2 from the Director of Marine Regulations
3 in Ottawa, dealing with prevailing rate
4 employment.

5 MR. DICKEY: I would ask Captain Crook to
6 resume the stand.

7 CAPTAIN CROOK, resumes stand

8 DIRECT EXAMINATION BY MR. DICKEY:

9 Q Captain Crook I show you Exhibit 360, 361,
10 362, 363, 364, 365. Do you recognize the correspondence
11 included in those exhibits?

12 A. I do.

13 Q Did you receive similar communications
14 from the Pilotage Authority, yourself personally?

15 A I did.

16 Q. And did you participate in any interviews
17 or meetings as proposed in that correspondence?

18 A. I did.

19 Q. Insofar as the Halifax Pilots were con-
20 cerned, who were present at those meetings? I am not
21 asking you to remember exactly the individuals who were
22 present. It would be satisfactory if you will state
23 whether or not there were pilots present at those meetings
24 who were not members of the Pilots' Committee.

25 A. Were not members of the Pilots' Committee?

26 Yes.

27 Q. There were?

28 A. Yes.

29 Q. These were meetings with the pilots
30 generally?



1 A. That is right.

2 Q. And the matter discussed in this correspon-
3 dence and dealt with at these meetings would you just
4 briefly describe what it was?

5 A. It was an offer of Government employment
6 at both meetings, and the first meeting was held during
7 the holiday season, I forget, that was in 1961, how well
8 represented the pilots were but I know that two of us
9 drove about 300 miles to attend the meeting.

10 Q. The second one was during our busy season
11 and pilots were coming in and going out as they were called
12 to work. I think there were some pilots who did not get
13 there at all.

14 MR. DICKEY: I should state for the record
15 my lord that my instructions are that letters similar,
16 or exactly the same as this set of exhibits, were received
17 by all the pilots. If necessary, we could call all the
18 pilots but perhaps that is not necessary.

19 THE CHAIRMAN: No, I don't think it will
20 be necessary but in any event, we could get this information
21 from the Department of Transport when we are in Ottawa.

22 MR. JACQUES: My lord, I had planned to
23 call Captain Seeley to the stand on that particular subject
24 this afternoon. He is fully conversant with the matter.

25 Q. Captain Crook, the Halifax Pilotage
26 District is administered under the Canada Shipping Act by
27 the Pilotage Authority, with certain administration
28 arrangements at Halifax. What are the views of the Halifax
29 pilots with respect to such administration?

30 A. I feel that they are sound; that they are



1 just. I am not aware of any breakdown, or any problem
2 that has not been covered by the by-laws.

3 Q What about the relations of the pilots with
4 the local administration? That is, the Local Superintendent?

5 A. I beg your pardon?

6 Q What about the relations between the pilots
7 with the Local Superintendent? Are they satisfactory
8 or otherwise?

9 A. I would say they were generally good.

10 Q Now there was some detailed evidence with
11 respect to the pilot boats. What is the situation from
12 the point of view of the pilots with respect to the
13 arrangement for pilot boats as they now exist?

14 A Well we feel the service is adequately
15 serviced now with craft and through experience they have
16 proved to be capable of doing a good job.

17 They, of course, are getting old and also
18 two of them are wooden craft but generally speaking they
19 are good sea boats, good sound seaworthy craft and it has
20 been our experience that that is one of the major re-
21 quirements in the Halifax area. We do experience extreme
22 conditions of wind and sea.

23 Q. Have you anything to say with respect to
24 the availability of the boats, their maintenance and
25 service, and that sort of thing?

26 A. I feel that anything other than an emergency
27 repair job should be done during our slack shipping season.
28 In the wintertime, when shipping is heavy, and weather
29 conditions are inclined to be bad, we could get into
30 trouble with our boats going off for major repairs, for



1 annual refit or something of that nature.

2 Q. What has been the recent experience in
3 that connection?

4 A Well recently they have been going out in
5 the winter for annual repairs. I think Captain Latter
6 referred to that in his testimony, and that could be dan-
7 gerous especially when they are leaving the home port for
8 repairs, they are not readily available. Of course these
9 are major repairs and the boat is out of commission whether
10 home or abroad, so that really is not pertinent.

11 The ideal situation, to my knowledge, when the
12 pilots were operating the boats, and then later on when
13 they had a share in operating the boats, they endeavoured
14 to keep the craft in peak condition during the winter
15 season.

16 Q Now what about the manning --

17 THE CHAIRMAN: Before you change the
18 subject there, with regard to last winter was there in-
19 convenience experienced in that respect, because one boat
20 was out of service?

21 THE WITNESS: I don't think there was any
22 actual delay. There is improvisation, of course. At
23 times we have chartered outside boats. There have been
24 outside boats employed. The Dorcas 2nd has been employed
25 on pilot work on numerous occasions. Captain Latter
26 mentioned a naval craft he had on standby duty, but really
27 one large boat in this district does not fill the needs
28 of the district because when that boat breaks down you
29 must have something to go out there on station to replace
30 it and even though the boat is on standby, one of the boats



1 is on standby, by altering the service, they can be pretty
2 well utilized.

3 Q What about the manning of the pilot boat.
4 Is that satisfactory?

5 A. Well I felt that when the Department took
6 over the craft and eliminated the deck hand, that the ship
7 was undermanned. When we were sailing the craft as pilot
8 boat masters, there was a pilot aboard in charge. There
9 was an engineer and there was a deck hand.

10 THE CHAIRMAN: When was that?

11 THE WITNESS: I am not sure when that
12 service terminated. Within the last four years my lord.
13 Then when the Department took over and put aboard a
14 professional master, the boat was reclassified as a passenger
15 vessel and one crew member was eliminated and the engineer
16 deck hand position was a combined position so we went from
17 three to two crew members actually. Of course, under
18 the old system all the pilots could act as crew when we
19 were there. If you had pilots going to or from ships,
20 you might have several of them aboard and I think we all
21 more or less considered ourselves available, if required.

22 Q. What have you to say as to the necessity
23 of an additional crew member on any of the pilot boats?

24 A. Well my major cause for this thinking is
25 that if a pilot were to fall overboard -- it has happened
26 that a pilot has fallen overboard, it has happened that
27 ladders have come away with the pilot on, and they have
28 dropped overboard. With two men aboard the pilot boat,
29 it would be very difficult to save a man.

30 I recall one instance when the Citadel was



1 attending the pilot station during the War, and at that
2 time I was --

3 Q Perhaps you would explain the Citadel.
4 What was the Citadel?

5 A. The Citadel was the large tug; that was
6 normally the pilots' station vessel on Father Point. I
7 was quartermaster at the time that this happened. We
8 were going alongside of a large tanker going to sea in
9 convoy, and I believe the man was a director of the
10 National Film Board. They were coming out, it seems to
11 me from memory that this had something to do with quite
12 a popular film, I cannot recall the name of it now but
13 it was Canada at War, something to that effect and he was
14 a little bit anxious to get aboard the Citadel and when
15 he went to jump, he apparently took ahold of the swinging
16 gate in the rail, rather than the fixed rail and it swung
17 with him, and he dropped overboard. He passed between
18 ours -- we were not alongside yet -- between us and the
19 tanker side and then when he got astern, the tanker in-
20 volved had a very high stern, a couple of decks on the
21 stern, somebody up on the gun deck threw a cork life
22 ring, and it's a wonder it didn't kill him. It hit him
23 right in the face. He had his heavy clothes on and no
24 life jacket. At that time there was a Navy craft, a
25 yard craft down there which was used in transporting pilots
26 from ships going out in convoy, back into the harbour to
27 put them on other ships, and that was manned, I believe,
28 by a two-man crew and they tried many times to get along-
29 side of that man and retrieve him. Of course, as soon
30 as he would come up alongside of them, as soon as he would



1 stop his engines, the wind would blow him away, before the
2 man could leave the wheelhouse and help the second crew man.

3 However, finally I think they retrieved him
4 with a boat hook. He had been in the water so long at
5 that time, I am speaking purely from memory, I believe
6 when he got back to the wharf here in Halifax, the Super-
7 intendent of Pilots at that time could not recognize him.
8 He thought he was one of the pilots.

9 It is a very difficult job. These boats are
10 high sided and it's a major effort to pull a person aboard
11 and even with three crew members it would be a problem.

12 However, we spoke about this to Mr. Cummy'n and I
13 don't know if he fully agrees with us, but I myself think
14 that the pilot boat should have another crew member.

15 THE CHAIRMAN: While we are on the subject
16 of the pilot boats, the Commission would like to see them
17 and they would like the Secretary to arrange for us
18 to see them while we are here.

19 THE SECRETARY: Very well my lord.

20 Q. The consideration that you have in mind
21 is one of safety in case of an accident, is that correct?

22 A That is right.

23 Q To which boat would this apply?

24 A. Well under the present conditions with the
25 outside boat, the boat operating on the outside station.
26 The smaller craft on the inside station, she has two men
27 aboard, and she is a smaller craft, lower in the water
28 and is not operating in exposed conditions.

29 Q Captain Crook, you have the Exhibit 328,
30 the By-laws and Regulations. What is the opinion of the



1 Halifax pilots with respect to those by-laws as they now
2 exist?

3 A. Well with the exception of the pension
4 deduction, I am personally satisfied with them.

5 COMMISSIONER SMITH: Are you satisfied with
6 the tariffs and everything else connected with it?

7 THE WITNESS: The tariffs have not changed
8 for a good many years. We realize that some of our tariffs
9 are out of line, but we realize also that it is our res-
10 ponsibility to provide a good service, an economical service
11 and our income has kept up, of course, through reduction
12 of personnel by retirement and deaths as well.

13 I feel that detention could be improved. Movages
14 could be improved, but I cannot see any reason for me
15 to request anything like this at this time.

16 Now if conditions were to deteriorate, if more
17 exemptions or, as suggested in one of these letters,
18 elimination of compulsory payment of pilotage were to
19 go into effect, that would throw our rate structure all
20 out of proportion and something would have to be done
21 to maintain the service under these conditions because
22 there just might not be the income.

23 I think personally that I am entitled to a
24 satisfactory income, and I feel that the job I do, I take
25 some pride in it, I feel it is a reasonably important
26 job and we are required to be well qualified. Actually
27 it is a step beyond a Master. You might think of it
28 as a step beyond Master in qualification because even
29 after your Master's Certificate and experience, you have
30 to become familiar and study the district, and then pass



1 additional examinations before an Examining Board.

2 COMMISSIONER SMITH: Captain Crook you
3 consider yourself, and I think it is generally recognized
4 that the pilot is a self-employed professional expert.

5 THE WITNESS: Well sir I would rather think
6 that modesty might eliminate expert, but probably per-
7 sonally I might feel that. I do consider myself capable
8 and I feel that I am expert but self praise is not too
9 often --

10 MR. JACQUES: You are under oath.

11 COMMISSIONER SMITH: I used the word
12 "expert" purposely because I think pilots, in the conduct
13 of a ship in the restricted and narrow, sometimes dangerous
14 waters, offers his service to the Master of a ship as an
15 expert in those confined, restricted waters. If he was
16 not an expert, I don't think he would be offering his
17 services to the master of the ships.

18 THE WITNESS: And I might suggest sir that
19 he wouldn't be there too long.

20 COMMISSIONER SMITH: That is correct.

21 Q. Now Captain Crook, with respect to the
22 financing of the pilotage services, what views have the
23 Halifax pilots with respect to the cost of providing
24 the service that is essential in the movement of traffic in
25 the port? What are your views?

26 A. Well, I feel that safety to the public
27 alone is a major requirement. There is no doubt about it,
28 employment of pilotage services does effect a measure
29 of public safety, in many ways.

30 I think we pretty well covered it in our brief.



1 I feel there should be some responsibility probably to the
2 public to maintain this sort of thing. I certainly do
3 not think that -- personally my thinking does not make
4 me feel that I should be paid by the public. Ships require
5 pilotage service, and for it they should pay. I think
6 they are entitled to a good service because of this. Now
7 our pilot vessels, I have been told, are no longer
8 principally under the Pilotage Authority.

9 They are diverted for many other uses, and these
10 things, of course, cost money.

11 Q What other uses?

12 A. Well, I can think back a few years, pilot
13 vessels were going down the coast to ships stranded on
14 Shut-in Island -- the Surette. Pilot vessels were going
15 down there. This is the Department's work. They are
16 Department craft. It didn't interfere with the pilot
17 service at the time, but well, there was the cost involved
18 there that weren't involved by the pilot service. -- Air-sea
19 Rescue. I think the primary purpose of the pilot vessel
20 should be pilot services. If it is possible for them to
21 go on air-sea rescue I don't think anybody could condemn
22 them. You certainly, under the safety regulations of
23 life at sea, you are required to give any assistance you
24 can to anybody in marine difficulties. This is a common
25 practice of seamen, but if such a thing is diverted
26 out of the district, and I have nothing to make me think
27 that this would be diverted away from the immediate dis-
28 trict, there should be something to supplement the pilot
29 service when these are on that service.

30 Excuse me, I am rambling. This service that



1 they are called on, air-sea rescue, there is a financial
2 responsibility there that certainly does not evolve from
3 the use of the craft in pilotage service.

4 COMMISSIONER SMITH: Referring back to a
5 couple of questions asked by Mr.Dickey in connection with
6 the cost of the operation and responsibility for the
7 expense, on Page 16 of the brief, the last sentence of
8 that page, it says:

9 "The pilots consider that there is a
10 sufficiently important element of the
11 public interest and service provided
12 by pilotage service to fully justify
13 the proportion of the overall costs
14 of the maintainance of an adequate
15 pilotage service being met from public
16 funds, and that the entire cost should
17 not be borne by ships and ship owners".

18 THE WITNESS: Sir, I have attempted to point
19 out some of the costs I personally feel the ships should
20 not be considered responsible for. Recently, several
21 years ago there was a boat charge applied to the bills,
22 and still in force, and actually I believe it is -- it may
23 be increased. However, this cost us money. This costs
24 us work. The \$10.00 flat charge; we lost some ships that
25 had been carrying pilots because of this. These ships,
26 they were under the tonnage for compulsory payment of
27 pilotage but were very glad to get our services. When
28 there was an increase of \$10.00 on their bill which amounted
29 to about two-thirds of their pilotage costs, an addition
30



1 of about sixty-six per cent, something in that vicinity,
2 that was prohibitive and they tried to find some other
3 means of doing without a pilot. I don't think they were
4 being unreasonable. This was a method of the Department
5 to effect savings. Now, I am not in a position to be
6 critical of this. I don't wish to be, but still there
7 is just one item that cost us income because our income
8 is derived directly from our pilotage work.

9 THE CHAIRMAN: What I see from this last
10 point, it is the pattern all across Canada. There is a
11 charge for the pilot boat use. This is expected. I
12 believe you said four years ago you were operating the
13 pilot boats yourself. I suppose you made a charge for
14 that?

15 THE WITNESS: I gave the wrong impression
16 there, my lord. We weren't. We haven't operated our
17 own boats since sometime prior to 1950.

18 THE CHAIRMAN: I see.

19 THE WITNESS: At that time there was no
20 charge, of course.

21 THE CHAIRMAN: No charge for the pilot
22 boat?

23 THE WITNESS: No.

24 THE CHAIRMAN: That was all included in
25 your --

26 THE WITNESS: Operating costs.

27 THE CHAIRMAN: And in your bill there was
28 no charge at all?

29 THE WITNESS: Of course, this cost became
30 so excessive that pilots were faced with a situation where



1 in a month they had no earnings. They had considerable
2 difficulty trying to do something about this, because if
3 they had paid the cost of operating the craft and it
4 wasn't doing anything he had to give the pilots a salary,
5 and it was necessary to find some means of keeping these
6 men gainfully employed, give them a living. The Department
7 had been pretty good. They had realized this, and I
8 think through negotiations with the Department that things
9 have worked out quite well. We don't always see eye-to-eye.
10 We are in a position where we can negotiate and we generally
11 reach some understanding.

12 MR. DICKEY: This might be a convenient
13 point to adjourn.

14 THE CHAIRMAN: Yes. We will adjourn now
15 to 2:30.

16
17 ---Luncheon Adjournment.
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1 ---Upon resuming at 2:00 p.m.

2 MR. JACQUES: With your lordship's per-
3 mission I would like to interrupt the evidence of the
4 pilot in order to hear Commander Benson, Commander of the
5 Royal Canadian Navy. He is the Queen's Harbour Master,
6 Halifax, and has two Docking Masters under his orders.
7 I should like him to tell the Commission what his duties
8 are and what his pilots do, his Docking Masters do.

9 Commander Benson, please.

10 COMMANDER P. C. BENSON, sworn

11

12 DIRECT EXAMINATION BY MR. JACQUES:

13 Q You are a Commander of the Royal Canadian
14 Navy and Queen's Harbour Master. Would you tell the
15 Commission under what regulations of the Canadian Navy or
16 other you are appointed Queen's Harbour Master?

17 A. Well, I am appointed Queen's Harbour
18 Master on the authority of the Naval Secretary for the
19 Minister of National Defence, sir.

20 Q. Have you any particular terms of reference
21 in that function?

22 A. Yes, my terms of reference are contained
23 in Queen's Rules in the Canadian Navy, and these are
24 amplified in Local Orders issued by the Admiral, and my
25 immediate superior, Commodore Superintendent.

26 Q. Would you describe your duties as Queen's
27 Harbour Master?

28 A As Queen's Harbour Master, in the tone
29 of this inquiry, I am responsible for the berthing of all
30 man-of-war in Halifax Harbour, primarily in the dock yard,



1 and the movement of those ships whether they are under their
2 own power or by tug, sir.

3 Q When you say man-of-war, are you including
4 only Canadian man-of-war?

5 A No, sir, foreign man-of-war.

6 Q. Any man-of-war at all?

7 A. Yes, sir.

8 Q You oversee their movement only on docks
9 or piers owned by the Government and administered by the
10 Royal Canadian Navy?

11 A No, sir. If I may amplify that, in the
12 dock yard or in the Department of National Defence berths,
13 yes, it is definitely my responsibility. When berthing
14 in other berths, in other words, National Harbour's
15 Board it is strictly a courtesy that the Halifax Harbour
16 Master affords me to supervise the berthing on his jetties.

17 Q. I see. I believe you have under your
18 command docking masters?

19 A. Yes, sir, we have two. We refer to them
20 as Master Pilots. They are qualified pilots, duly certified
21 and they handle our own ships only. We have been involved
22 with handling other Department of Transport vessels when
23 being moved by Naval tugs. However it so happens this
24 morning we have United States ships coming in, and these
25 were berthed on National Harbour's Board piers and they
26 were handled by the Halifax pilots. This is the way it
27 is done. I am sorry I digressed so much. Our pilots
28 look after our dock, yes.

29 Q Your ships. Now, you mentioned, I believe,
30 that you had two Master Pilots and they were certified.



1 What sort of certificate do they have?

2 A. They don't hold any certificates, pilot
3 certificate issued by the Department of Transport. That
4 is why they don't become involved, one of the reasons, put
5 it that way, why we don't even consider them being involved
6 in any work other than our own. Not that the question
7 ever arose.

8 Q. To the best of your knowledge are these
9 two men Master Mariners?

10 A. Yes, sir, they are. They do hold
11 Master Mariner Certificates.

12 Q Are they civilians?

13 A. Government ship officers.

14 Q. Apart from docking and handling your
15 vessels at the dock yards do they do any piloting of
16 Canadian Naval Ships in the Harbour, entering and leaving
17 the Harbour?

18 A No, sir.

19 Q If any is required who does the piloting
20 of these ships, if any is required?

21 A. That is a moot point. It has never risen.
22 I think I can best answer that one, 'sir, by stating I
23 would confer with the Local Superintendent of Pilots, sir.
24 We have a very amicable arrangement, co-operation. I
25 think if such a situation did arise I honestly do feel

26 Q.
I would confer with him. There has never been any need
27 for a pilot on a Canadian Naval ship?

28 A. Not to my knowledge.

29 Q. What about Foreign Naval ships, do you
30 cover all their needs?



1 A. Not for pilotage, that is by the Halifax
2 pilots.

3 Q Yours is strictly docking?

4 A Strictly docking, sir.

5 Q How do you get along with your civilian
6 counter-part, the Harbour Master?

7 A. This is the Harbour Master as opposed to
8 the Superintendent of Pilots?

9 Q Yes sir, sir.

10 A. Very well indeed, sir.

11 Q Have you ever noticed that your authorities
12 would clash in some respects?

13 A. No, sir.

14 MR. JACQUES: Thank you very much, sir.
15

16 CROSS-EXAMINATION BY MR. DICKEY:

17 Q. Commander Benson, the Docking Masters deal,
18 as I understand it, only with the docking of Naval
19 vessels; is that correct?

20 A No, sir. We are involved with the move-
21 ment of H.M.S. ships within the Harbour. This involves
22 a considerable amount of movement of dead ships, that is
23 ships with no power, rather large unwieldy dumb craft.
24 We refer to them as dumb craft, but not just berthing.
25 It is quite a ~~variable~~ job, sir, demanding a lot of skill
26 and concentration on the part of our two men.

27 Q. These Docking Masters are under classification
28 in the Civil Service as Government Ship Officers?

29 A Yes.

30 Q Are they salaried Civil Servants, or are



1 they paid on : prevailing rate?

2 A. They are salaried, sir.

3 Q. Are they uniformed personnel?

4 A. Uniformed personnel, in the uniform of
5 Government Ship's Officers.

6 Q. That is the same as the Department of
7 Transport Ship's Officers?

8 A. Similar, sir, yes.

9 Q. Similar. How long have you held the
10 appointment of Queen's Harbour Master?

11 A. A little over two and a half years now,
12 sir.

13 Q. What if any service do your Docking Masters
14 perform for other Government vessels, not Canadian Naval
15 vessels?

16 A. On occasion we are requested to move
17 Department of Transport ships with our tugs from one berth
18 to another. This is a ship that again is dead. We haven't
19 been asked to assist in any of their berthing or normal
20 movements.

21 Q. This is only when your tugs are used?

22 A. Our own tugs, only, yes.

23
24 CROSS-EXAMINATION BY MR. ANDERSON:

25 Q. Just one question, Commander Benson.

26 You mentioned about the close co-operation between your
27 office and the office of the Supervisor of Pilots' and
28 the Harbour Master. What about a situation where there
29 might be a conflict of personalities in your respective
30 jobs and say your successor or predecessor wanted to move



1 certain Naval vessels out and the ships were pressing the
2 pilots to move merchant ships out and they had dangerous
3 cargoes, who would be the overriding authority?

4 Would that lie with you in your office, or what
5 would be the situation?

6 A Most certainly, insofar as any National
7 Harbour's Board pier is concerned the National Board...

8 Q. I was referring to movement in and out.
9 Say there were a number of Naval vessels going to leave
10 port at the same time as a number of Merchant vessels
11 carrying a dangerous cargo and there was certain risks
12 involved?

13 A. Basing it on past experience with the
14 Harbour Master, and this is a hypothetical question, I
15 can foresee discussion between the two of us, and normally
16 as our ships are more manoeuvrable we would invariably
17 give way to them or we could delay our sailings or we
18 could advance our sailings. Personalitywise....

19 Q. To the best of your knowledge you can't
20 state who would have the overriding authority in such
21 a situation; is that correct?

22 A. If one wants to establish an overriding
23 authority, sir, I would venture to say that we would give
24 way to National Harbour's Board, sir. We feel this is
25 his overall harbour.

26 Q. With regards to the movement of vessels
27 at the present time the Supervisor of Pilots keeps you
28 informed, or are you in contact with him? What is the
29 liaison setup?

30 A Daily, sir, none. Daily movements of ships



1 in and out of National Harbour's Board piers and daily
2 movement of R.C.N. ships, there is no liaison, sir.

3 Q Does that apply in the winter season as
4 well as the summer?

5 A. Yes, sir, all the time, sir.

6 MR. ANDERSON: Thank you.

7
8 CROSS-EXAMINATION BY MR. LANGLOIS:

9 Q You said, if I understood you correctly,
10 that Canadian Naval ships don't use pilots coming in and
11 going out of Halifax Harbour?

12 A. That is correct.

13 Q. Would you care to tell the Commission if
14 the Navigational Officer or C.L. of Canadian Naval Ships
15 are still allowed to claim a portion of the pilotage dues
16 which would be payable in pilotage waters if they had
17 used a pilot?

18 A Unfortunately, no sir, we are not.

19 Q It used to be during the war?

20 A It was a very nice thing at one time.

21 Q It has been abandoned?

22 A That was abolished, I believe, in 1946.

23 MR. JACQUES: If the Commission has no
24 questions to put to the witness I would ask that he be
25 excused, my lord.

26 THE CHAIRMAN: Thank you very much.

27 THE WITNESS: Thank you, sir.

28 MR. DICKEY: I understand, my lord, that
29 is all counsel has. I will ask Captain Crook to resume
30 the stand.



CAPTAIN CROOK, continued

DIRECT EXAMINATION BY MR. DICKEY, continued

Q. Captain, in connection with the manning of the pilot boats, it is correct, is it not, that the pilot boats for many years were commanded by the pilots?

A. Yes.

Q. When did that come to an end?

A. During 1960.

Q. What was the arrangement with respect to command of the pilot boat prior to that change in 1960?

A. We had a rotation list of pilots and every week two pilots were designated to sail the pilot vessel. Of course, after that service, the following week they were supposed to go on standby. In other words they wouldn't be called unless required. During the week that they were Captain of the pilot boats they performed no pilotage duties.

Q. Did the pilots receive any compensation or remuneration for the duties they performed in command, operating the pilot boats?

A. Oh no, no.

Q. They simply got their normal share of the regular pilotage dues; is that correct?

A. That is right.

Q. For the same period of time during which the pilots were acting as Masters of the pilot boats the boats themselves were owned and operated at the expense of the Pilotage Authority, not funds paid out of the pilotage fund; is that correct?



1 A That is right.

2 Q Now, what arrangement was made to replace
3 the pilots in command of the pilot boats?

4 A. The Department hired professional Masters.
5 I have no quarrel with this procedure, but the professional
6 Masters were put on board the pilot boats and that is
7 the present situation.

8 Of course that is the same time that crews were
9 shortened. In roughly the same time the crews were
10 shortened from three to two.

11 Q. By whom are the present Masters of the
12 pilot boats paid?

13 A The Department.

14 COMMISSIONER RENWICK: Could I ask when
15 that became effective, that changeover to D.O.T?

16 A THE WITNESS: If I might refer that to
17 our supervisor, he would have the exact date.

18 MR. DICKEY: I think the witness said it
19 was sometime in 1960 that the Masters were put --

20 COMMISSIONER RENWICK: It ran in my mind
21 it was 1950 that the D.O.T. took over.

22 MR. DICKEY: They took over the actual
23 operation, that is as I understand it Mr. Commissioner,
24 they took over the ownership and the cost of operating
25 pilot boats. This could probably be straightened out,
26 but in March, 1960, the pilots who had been continuing
27 to act in the command of the pilot boats were relieved
28 of those duties and professional masters were hired.

29 COMMISSIONER RENWICK: Thank you.

30 Q Now Captain Crook what are the pilots'



1 views with respect to the collection payment of pilotage
2 dues?

3 A. Captain Latter mentioned in his testimony
4 that he has had to be stern occasionally, but actually
5 under the Canada Shipping Act ship owners or ships are
6 required to pay on clearance but we have assumed a 30-
7 day invoicing period. Sometimes it is embarrassing when
8 it extends beyond that.

9 After all, we depend on these invoices to be
10 prompt and considering the volume of business we handle,
11 it is quite satisfactory.

12 Q. With respect to the disposal of the
13 pilotage fund, what if any comments have the pilots on
14 that?

15 A Well we usually attempt to keep a month's
16 disbursements in a credit balance. Actually we are working
17 more, as you might say, from hand to mouth.

18 At the end of the year, the accounts are closed
19 off, at the end of the fiscal year March 1931, and then
20 we start off afresh with no bank account and sometimes
21 we do have problems getting enough April receipts in to
22 guarantee a minimum salary.

23 Prior to the new regulations, we were allowed
24 an overdraft. Of course that has stopped now and then
25 also at one time the Government used to give us a credit
26 to temporarily tide us over the month of April, the
27 first month in the new year. Of course that month's
28 disbursements, there is 5 per cent to that pension fund
29 and then a minimum monthly cheque to the pilots involved,
30 along with incidental office expenses.



1 Q In Miss Marshall's testimony yesterday,
2 there was reference to an amount of \$600.00 advanced to
3 the pilots. Just what does that relate to? I think that
4 she was not just quite clear as to what the purpose of
5 that was.

6 A Captain Latter I think probably covered
7 that a little more fully. That was an advance made to
8 the Pilots' Committee for expenses incurred during a trip
9 to the Department in Ottawa. It was advanced and a
10 minimum amount was refunded.

11 Q What is the position, and what are the
12 views of the Halifax pilots with respect to the provision
13 in the by-laws with respect to standards, the licensing
14 and the examination of pilots?

15 A. Generally speaking I think we are quite
16 content, quite happy with that section of the by-law.
17 We feel that standards should be maintained. I think,
18 speaking personally, I think each of us feel responsible
19 to the other, and vice versa.

20 We are anxious to get new appointments, occasionally,
21 and of course we train new men as they come on. I know
22 it has happened to all of us, I was in the same position
23 myself. I was on the payroll for some time before I
24 became any use to them, before I was in a position to be
25 allowed to pilot a ship.

26 Our requirements are that a pilot must make
27 twelve trips after sitting for the oral and written
28 examinations, and after qualifying, from examination
29 results. It may be several years before the pilot is
30 called to duty, and when he is finally called to duty he



1 is issued a probationary license, which is valid for
2 one year, provided everything is satisfactory. When he
3 first enters the service, he must make 12 trips with a
4 qualified pilot in an observing capacity. Those are
5 required. It is not stipulated how long he must do
6 this.

7 If he is qualified, he can suit himself. He
8 can remain in this category for some time. It has been
9 my experience -- I was never involved in this -- but in
10 the Committee's capacity, his conduct and his actions and
11 his general attitude I believe are reported to the
12 Supervisor by the different pilots he has been in contact
13 with, and when the Supervisor and the Pilots' Committee
14 feel that he is capable of carrying out his duties, he
15 can take over the ships on his own.

16 We also have a provision that he can remain,
17 as long as he wishes, with certain limits, of course, in
18 a capacity where he chooses the ships he wishes to pilot.
19 Am I being clear my lord?

20 In other words, any difficult jobs or anything
21 that he is not confident that he might be able to do, he
22 is not required to do this. He is not maintained on a
23 regular roster, and we have the provision that we keep
24 him on two-thirds of the full share while he is in that
25 capacity. There is a stipulated time laid down where he
26 must continue at that reduced salary. However, it has
27 been my experience that once a new man proves himself
28 capable with the Pilots' Committee, at a meeting of the
29 pilots, they suggest that he be put on full pay and this
30 suggestion goes to the Department and I have no knowledge



1 of it ever being refused. Once the Committee and the
2 Supervisor feel he is responsible and capable, there
3 usually is no refusal. I am not aware of any other
4 obstructions.

5 Q. I think it has been made clear on previous
6 evidence Captain that there has not been an examination
7 for pilots in this port for some years.

8 A No. That is right. Captain Latter, of
9 course, has that information. I believe he testified
10 yesterday that there was still one man qualified and
11 available. Apparently some -- there is a 45 year age
12 limit and if they go over that time, of course, that
13 eliminates them.

14 Q. Have you any comments with respect to
15 that 45 year age limit and its relevance to filling
16 vacancies if and when they are to be filled?

17 A In the past my mind has changed on that,
18 through the years. I think it is ideal to get a young
19 man in this job. He is mentally -- he is inclined to be,
20 shall I say, at a susceptible age where he will train easily
21 It is certainly desirable. But we also have the problem
22 of qualifications, where the man has to be a qualified
23 Master and that in itself might be a problem, when he
24 has to serve his two years as a master in and out of the
25 port, it does create some problems. However, it is a
26 stringent rule but I certainly would not suggest, be bold
27 enough to suggest to the Department in their wisdom to
28 alter it at this time.

29 I do feel though that a man who has qualified
30 himself and remains on standby for several years, it is



1 certainly hard on that individual because he has probably
2 terminated his employment with his original long-term employer,
3 and he has more or less kept himself available and then he
4 happens to go over the age, he has more or less concluded
5 his career in an early stage in the game and has to start
6 off fresh.

7 Q. Captain Crook would you tell the Commission
8 your comments on the present system of remuneration of
9 the pilots, their income and the pilots' feelings with
10 respect to future prospects in that connection?

11 A. We have had problems, this is prior to
12 my service, problems were very serious at times but they
13 were gradually overcome and now I think that we are -- that
14 things are pretty well under control with close co-operation
15 between the Department.

16 We have regular meetings, not set at regular
17 times, of course. We have a pretty good -- we are not
18 entirely irresponsible financially. We try to maintain
19 a month ahead. I know that is not possible early in our
20 fiscal year, but later on we do try to maintain a month's
21 disbursements in advance in the bank, a credit in the
22 bank. This is administered immediately by Captain Latter.
23 We have meetings and it is suggested by us maybe this
24 month we have enough we could raise the pay and the normal
25 procedure is on the request of the pilots, the Pilots'
26 Committee approaches the Local Supervisor, Captain Latter,
27 and this is done.

28 I don't ever recall any difficulty this way.
29 Often I have gone to the Supervisor's office with that
30 express purpose in my mind, and he has forestalled me.



1 He has broached it before I have. If it is a reasonable
2 thing to do, I don't think the Supervisor would object.
3 It has not been my experience that he would.

4 Of course he knows the state of the bank balance.
5 If we were to suggest something that was not feasible,
6 he will tell us why and I have never known any difficulty
7 with that.

8 Q What have you to say as to the present
9 remuneration of pilots and the possible effect on that
10 of any changes which might be made in the matter of com-
11 pulsory payment of pilotage, or things of that kind?

12 A Well we provide -- the Department has set
13 up these by-laws and I think probably everybody has some
14 fault to find with some law, but generally there is a
15 good deal of thought goes into this sort of thing and
16 I don't think we have too much to complain about.

17 However, any exemptions, any further exemptions
18 would certainly tend to affect our income. Naturally if
19 there are further exemptions made, that is going to mean
20 a loss of income to us. That is going to affect 18
21 men as a group and then somebody else would have to bear
22 the load. I don't think anybody would reasonably expect
23 us to work for nothing, or expect us to make sacrifices.

24 I think the value of our service warrants that
25 we receive a just income. We do have problems. There
26 is no doubt about it.

27 We had a problem with Dutch Naval craft a few
28 years ago and we did not like the decision, but we had
29 to abide by it. The decision came down from above that
30 if they did not use pilots, they were not liable. They would



1 exempt them. We had several pilotages on them, and then
2 they stopped. They were travelling in and out of here,
3 and large ships, the Karl Dorman, I think she would be in
4 the same class as one of our aircraft carriers. The normal
5 exemption, of course, to Foreign Navies has been the
6 American Navy. We feel that these other Navies should
7 pay pilotage.

8 Most of them do. This is an exception. They
9 usually employ pilots.

10 I had occasion a few weeks ago on an American
11 ship, and the navigator mentioned something about thick
12 weather and he said do you use radar? And I said I
13 certainly do use radar. Still, it is just an aid. You
14 have a lot of sounds there that you recognize as coming
15 from a particular locality, and I would certainly not
16 take radar as the final authority. It is a valuable
17 aid. I am convinced of that. I have been very confused
18 at times with radar, but I have a little local knowledge.
19 There are characteristic sounds at different parts of
20 the waterfront you recognize, apart from the normal aids
21 to navigation, that is bell buoys and lighthouses, but
22 you might have a pile driver working in some locality.
23 All of these things contribute.

24 Q. Now Captain Crook you have already given
25 some evidence with respect to the pension fund in the
26 Halifax District. As briefly as you could, would you
27 summarize what the immediate history of the pension
28 arrangement is, and what the present situation actually
29 is?

30 A I joined the service in October, 1952 with



1 a probationary license for one year. At that time deductions
2 were made to my account towards the pension fund and
3 the Committee at that time were all upset, very upset
4 about the condition of our pension fund. It was in very
5 bad condition financially. We were paying a lot of pension
6 for very little return, we thought.

7 We were paying 5, 7, 10 and at one time I
8 mentioned here 15 per cent, part of which was refunded, to
9 a pension plan that would only provide \$40.00 a year for
10 every year of service with a maximum of \$1,600.00 a year
11 after 40 years service.

12 I couldn't help but agree, I was a new man, of
13 course, with the older men that it was a way out of pro-
14 portion to what we were paying but there didn't seem to
15 be much we could do about it. They had considerable
16 amount of negotiations with the Department and finally
17 we decided, I think we were pretty much unanimous, that
18 if we couldn't do anything about this, the best thing
19 is try and stop it.

20 We tried to get it, I think the suggestion went
21 forth that we would be reimbursed our equity in the fund
22 and if that was refused -- there were many suggestions
23 that went forth. Finally one suggestion was we hoped
24 we might, or the Government might see fit in their wisdom
25 to invest our contributions to this fund in Government
26 Annuities and pro rate them to each individual pilot.
27 That again was refused. Then finally, I am not too sure
28 when the Act was passed about probationary men being
29 allowed to contribute up to 10 per cent of their income
30 to their own private pension plan, tax exempt and when that



1 happened, of course, I imagine most of us, speaking per-
2 sonally, most of us took advantage of it.

3 However, the previous year the figures -- I don't
4 have the figures immediately, but we had been paying
5 5 per cent, the Canada Shipping Act required we add
6 additional money. At one time they were making deductions
7 of 15 per cent. If I recall correctly 5 per cent of that
8 was to go to the fund, still remains and the additional
9 10 per cent was to be applied to Government annuities
10 or some other plan that would evolve on each one of us
11 personally.

12 I think it was in June 1957, if I recall,
13 and that was in operation about 15 months and after that
14 the Authority decided it was not reasonable and we were
15 refunded our 10 per cent, each individual was refunded his
16 share in that 10 per cent contribution.

17 Now at that time they made a cut-off point of
18 all pension benefits March 31st, I believe it was 1956,
19 and since then we all have been maintaining this pension
20 fund with no benefits accruing to us whatsoever. I had
21 been in the service at this date since October, 1952,
22 and the by-laws said I must be participating in the fund
23 for five years before I would be considered a member and
24 my portion along with I think it was three other men was
25 refunded to us from the time we entered the service up
26 to 1956, and of course, since that there has been a 5
27 per cent deduction made towards this pension fund that
28 none of us benefit from.

29 It is not too satisfactory an arrangement. Of
30 course, I know pensions must be maintained, but I have



1 always felt that this fund was under the authority of
2 the Department, and I do not think they have any more reason
3 to waive responsibility to its administration than we
4 do. We have been considered responsible to maintain it,
5 at 5 per cent of our salaries, our gross salaries and
6 actually that is not gross salary. That is gross earnings.
7 That comes right off the top, if you pardon my expression,
8 and this is certainly considered our responsibility.
9 However, we were not involved in the physical operation
10 of the fund.

11 There has been in the past deviations. The man
12 I replaced in the service, on request of the pilots, and
13 all the pilots signed the request, I believe he was re-
14 funded his portion of the fund. I am not sure if the
15 refund was his complete contribution or his equity in
16 the fund, but he did have a cash refund when he left,
17 sometime after he left the service.

18 In other words, he was wiped out of the fund.
19 This was not contained in the by-laws, to my knowledge,
20 but it was effected.

21 We have had men since going on pension. They
22 have built up quite a fund in this pension plan, but they
23 are getting very minimal pension, 15 years service at
24 \$40.00 a year, and they have a good many thousand dollars
25 involved. I think probably most of these men -- at many
26 times there have been applications from these men that
27 their portion of the fund be refunded to them in a cash
28 lump sum. We have one man just recently retired, I believe
29 now that he has requested that he be considered along
30 with the rest, with the previous lump sum beneficiaries.



1 In my mind I feel that this position of a
2 pilot should be made attractive, to attract the right type
3 of person. I am not judging who is that type, of course,
4 but I think it should be made attractive in some way.
5 Certainly an equitable pension plan would be an attraction.

6 THE CHAIRMAN: You mentioned before that
7 you were being held responsible for that fund up to 5
8 per cent per year. I gathered that this probably is because
9 it was a liability of the partnership of the pilots, but
10 for how long are you going to be held responsible for
11 that 5 per cent a year?

12 THE WITNESS: My lord, this 5 per cent is
13 contained in the Canada Shipping Act, and this is the min-
14 imum deduction that may be made. It has been my under-
15 standing that this would be up for revision, I believe
16 the period was every three years, and if and when the fund
17 becomes actuarially sound, I think that the Department
18 would reduce our contributions but of course, there again,
19 it's the Canada Shipping Act that is involved.

20 THE CHAIRMAN: The Department is responsible
21 for the management of this fund, and these deductions?

22 THE WITNESS: We have nothing whatever to
23 do with the management of the fund.

24 THE CHAIRMAN: Because, of course, they
25 have to be considered liabilities, because from what we
26 see from Exhibit 348 there is quite an amount there, and
27 that the yearly receipts from that 5 per cent are about
28 80 per cent of the pensions paid.

29 THE WITNESS: Yes, my lord. I am not
30 a qualified actuary by any means, but through the last few



1 years our pensioners, our large pensioners are getting on
2 in years, and some of our heavy pensioners, if you will
3 pardon that for a better term, are gradually dropping out.
4 This has relieved the burden on the fund. There is no
5 doubt about that. If you will look at the evidence
6 relative to our present list of pilots, I think you will
7 find the majority of them are over 60 and this is the
8 condition the fund now enjoys, it may be increasing now
9 and becoming actuarially sound, but in a few years time
10 it is going to receive a severe blow when these other men
11 go, but these men, most of them will be on a quite minimum
12 pension.

13 THE CHAIRMAN: How many are in the new
14 group that are not entitled to receive any pension?

15 THE WITNESS: I would have to look at the
16 list, excuse me, my lord. Four of us, my lord, and none of
17 us have any benefits accruing since 1956.

18 THE CHAIRMAN: Yes, I gather that. It
19 is like the consequence of a partnership. There is a
20 partnership liability so that the new partners have to
21 make up for it.

22 MR. JACQUES: May I point out it is a
23 forced partnership for the pilots. It is not undertaken
24 voluntarily by the pilots.

25 COMMISSIONER RENWICK: May I ask a question
26 about the \$40.00, Captain Crook that you mentioned. You
27 mentioned \$40.00 a year, so that \$40.00 for fifteen years
28 would be \$600.00 a year?

29 THE WITNESS: That is right. The maximum
30 pension is \$1,600.00, but there isn't a pilot that will
be qualified for that maximum pension at the present day.



1 THE CHAIRMAN: There is one receiving
2 \$1,590.00?

3 THE WITNESS: Yes, that is still remaining.
4 Of course, this is only hearsay, but I believe there is
5 one man that just recently died who had only paid in
6 maybe a couple of hundred dollars and was on full pension
7 since about 1919 or 1920.

8 THE CHAIRMAN: Here we have one at \$1,599.96.

9 MR. DICKEY: I ask to be put in evidence
10 and marked as Exhibit 367 the schedule of payments made to
11 the Pension Fund by the presently active Halifax pilots.
12 Captain I show you that list. Was that prepared by you
13 or at your request?

14 A. I believe it is the same list I asked -- I
15 am not sure, I think it was Miss Marshall to prepare a
16 list like that.

17
18 ---EXHIBIT NO. 367: Schedule of payments made to the
19 Pension Fund by the presently
active Halifax pilots.

20 Q. That document shows the total payment
21 into the fund by the presently active pilots up to March
22 31st, 1956; is that correct?

23 A. Up to the present day.

24 Q. It shows in the first column the total
25 of payments up to March 31, 1956?

26 A. Yes, and then the other column 1962.

27 Q. And the second column shows the payments
28 since April 1, 1956 to December 31st, 1962; is that
29 correct?

30 A. That is right.



1 Q. And then the last column shows the
2 actual total amount paid into the Pension Fund by the
3 presently active pilots?

4 A. Yes.

5 Q. That total is how much?

6 A \$180,759.27.

7 Q. There are four pilots who are shown on
8 that list as not having contributed anything prior to
9 March 31, 1956. What is your explanation for that,
10 Captain?

11 A. All of us who were active at that time
12 were refunded our contributions up to that date.

13 Q. You say all of you active at that time,
14 as I understand it there was some minimum of service?

15 A Yes, I was appointed in October, 1952
16 and to the best of my knowledge, the last previous appoint-
17 ments were sometime late in 1948, so those men were in
18 the fund for roughly eight years before 1956, and they
19 continued on, but I hadn't been in the required five
20 years so I, of course, was the first one who was refunded.

21 Q. Do you remember what the alternatives
22 were at that time, Captain?

23 A. In what respect?

24 Q What else could be done with the fund or
25 in the way of contributions in order to avoid the position
26 you are now in? Do you remember what the alternatives
27 were?

28 A. Well, I believe I am right in saying
29 we made many suggestions. In fact, at one time for a
30 15 month period we authorized the Department to deduct 15



1 per cent. I think that was a 15 month period from the
2 31st of March, 1956 until the end of June, 1957. We had
3 hoped, we were negotiating with the Department to try to
4 get something done with this. Actually the Department
5 in the past had occasionally helped the fund. They had
6 made one contribution some years ago. This fund has
7 had many unusual circumstances affecting it. For instance,
8 the loss of the Heberdeen was a sudden strain on the fund
9 caused by that accident. These things contributed to
10 the fund's deficiency.

11 Q Fifteen per cent at that time was to
12 try to put it on an actuarial basis that would produce
13 worthwhile pensions for your active pilots?

14 A I can only speak personally and from
15 memory. I was quite junior in the service at that time,
16 but I believe I am right when I say that the Pilots'
17 Committee, through the pilots were doing everything possible
18 trying to effect some solution to this pilotage fund.
19 We explored all the avenues that were open, that were
20 physically possible. They were involved intensely in
21 this problem for years. Finally I think, and I can only
22 speak for myself, but in desperation I thought I was much
23 better off to carry this pension right now at 5 per cent
24 deduction and forget about it and hope in three years
25 time when it comes up for review it may be reduced,
26 our contributions may be reduced slightly. However, that
27 hasn't happened. I had hoped at that time it might happen
28 shortly and that eventually it might reach a point where
29 it wouldn't be hurting me so much. In the meantime I
30 buy myself --- it was about this time that professional



1 men were allowed to buy a private pension at 10 per cent
2 of their earnings tax exempt, and I could provide an equitable
3 for myself on my own that would satisfy my personal re-
4 quirements.

5 Q. The suggestion contained in the final
6 paragraphs of the brief with relation to the Public Service
7 Superannuation Act, what can you say about that, the
8 views of the pilots on that, Captain?

9 A Again I can only speak personally. This
10 brief was discussed at two Pilots' meetings, I believe it
11 was two Pilots' meetings in draft form, and finally it
12 was printed and despatched to the Commission. This is
13 quite involved. I had a set of figures, and I think
14 that possibly it might require -- of course it would re-
15 quire a good deal of amendment and alterations in the
16 Superannuation Act, probably, but still we would be quite
17 happy -- I would be quite happy if I could come under the
18 Civil Service Superannuation Act, Public Service Super-
19 annuation Act. I would be quite prepared to make whatever
20 contributions were necessary. I think it is certainly
21 an attractive pension scheme, certainly better than I could
22 do on my own now.

23 COMMISSIONER SMITH: Captain, you are
24 aware, I presume, that in addition to the contributions
25 the Civil Service employees make to the Civil Service
26 Superannuation Act the Government makes, I think, the
27 equivalent of those same contributions?

28 THE WITNESS: Yes, Mr. Commissioner, I
29 am aware of that, $6\frac{1}{2}$ per cent from both parties. I
30 feel there should be some responsibility for those funds.



1 There is no doubt about it the Halifax pilots have been
2 commended in peacetime and wartime.

3 I think probably a good many of the Admirals of
4 the Allied Navies during the last war commended the Pilot
5 Service in Halifax. There was certainly no doubt they
6 were in action. They were involved in collisions with
7 ships, travelling with no lights, working under adverse
8 conditions, and although they weren't considered part
9 of the war effort in any way I know a few seasons ago
10 there was some mention of a Merchant Seaman's indemnity,
11 or something like that. I believe the Pilots' Committee
12 at that time investigated and they found out even though
13 they had served in dangerous waters they still weren't
14 qualified to participate. A good many of our men were
15 decorated for their service during the last war. Several
16 of them were. I know at the time I was a crew member
17 on the Citadel. We were a fire-fighting boat. We did
18 several jobs with dangerous and nondangerous cargo. I
19 am not sure about that. We did fight ship fires in Bedford
20 Basin in Halifax Harbour. We were as much a part of
21 the war effort at that time as any Ship Master arriving
22 or leaving.

23 Probably the conditions were different. We
24 know there were some Ship's Masters during the war that
25 went on to fantastically hazardous conditions, but still
26 the coast of Nova Scotia wasn't exactly clear of the war.

27 We have other reasons for believing there may
28 be some responsibility. The fact that we alone main-
29 tained this fund while we didn't have any say in admin-
30 istration of the fund. There is another thing: we are



1 personally financing the training of new pilots. I am
2 not suggesting we should stop but we do provide instructions
3 for these men. There is no suggestion it should not be
4 done that way. I think it is a desirable situation.

5 COMMISSIONER SMITH: I am not suggesting
6 any opposition to the position you are taking Captain,
7 but in order to clarify the situation in my mind, at
8 least, it is your feeling and your pilots' belief that
9 you should be taken in under the Civil Service Superannuation
10 Act on the same basis that the Civil Servant is taken
11 in with the Government contribution and the pensioners
12 contribution; is that the position?

13 THE WITNESS: In my opinion, personally,
14 sir, I feel that would be ideal. I would certainly have
15 no quarrel with any proposal of that nature.

16 COMMISSIONER SMITH: I mean, is that your
17 proposal?

18 THE WITNESS: Yes, and I also, feel, sir
19 that possibly the Government participating to this extent,
20 that would be $6\frac{1}{2}$ per cent of the contribution, I am re-
21 ferring to, and maintaining our By-laws in roughly their
22 present form -- I am thinking about the built-in protection
23 features. This certainly wouldn't cost the public of
24 Canada more than any proposal than has been put forward
25 to us yet. That, I say, is my own personal opinion and
26 I am not speaking for anybody else.

27 BY MR. DICKEY:

28 Q. In other words, you think, Captain, this
29 is a practical proposal that could be investigated and
30 the legal difficulties discussed and a solution found;



1 is that correct?

2 A Yes, I do. I feel, of course, there are
3 problems with anything of this nature. I think all of us
4 have problems and we overcome them eventually.

5 Q. Now, Captain, during the testimony of
6 Captain Latter there was reference to radio-telephones.
7 I think there was also reference to that in the letter read
8 into the record from the Foundation Maritime Company, the
9 operators of the main Halifax tugboats. When did any
10 equipment of that kind become available to the pilots?

11 A. I am not too sure of the date, but it
12 must have been -- I think I am right when I say within the
13 last six months.

14 Captain Latter has had three sets there and
15 he has done everything possible. I think one time I went
16 to Captain Latter and suggested possibly, I think this
17 is the way it went, I said, well, would there be any
18 objection to leaving some in the pilot boats? As I recall
19 it that is the way the conversation went and he thought
20 that was a good idea.

21 I can only speak from my personal experience
22 with these phones. I try to keep an open mind in using
23 them. I have carried them on three different occasions
24 and I have never been able to use them. Now, the first
25 time I had them I was so busy trying to get the thing
26 operative I found myself overshooting the dock up harbour..
27 I never could get the thing working. I gave it up that
28 day. Another time I think it was in a large tanker. I
29 had a set. I could work our office, but I couldn't get
30 the tugboats. I could speak to them normally, the way I



1 am speaking now, but we just finally had to give it up
2 because I was approaching the dock and by that time I had
3 to use the normal means, the ship's whistle and my own
4 pocket whistle.

5 Another time I had a phone and when I tried to
6 use it the tug hadn't been fitted as yet. However, there
7 may be some advantages. My personal opinion is that with
8 ship handling in confined quarters, and of course weather
9 conditions pretty much determine what you have to do, that
10 you don't have time, you can't afford a breakdown of equip-
11 ment and switch over to other means. This doesn't necessarily
12 have to happen. I know in other ports they find it
13 very successful and there is no reason why it shouldn't
14 be successful here. I think probably sometimes there
15 might be quite a bit of noise on these crafts. I don't
16 know if the Captains would have trouble hearing the set,
17 but my practice in the past has been when I get on a very
18 light ship when the tug is apt to be sheltered from the
19 side of the bridge I am docking on, especially on passenger
20 boats, I ask the Captain to have the Staff Captain take
21 the station on the starboard wing of the bridge with a
22 pocket whistle and repeat my whistles.

23 It is very seldom I have run into difficulty.
24 Sometimes he starts to daydream, but normally it is a good
25 arrangement.

26 When I am on ships that are equipped with a
27 loud hailer I always use those if they are available. I
28 know a loud hailer is not of a size to be portable easily,
29 but I usually blow my whistle into the loud hailer and
30 I have never had any difficulty with the tug hearing that.



1 Towboats, they are noisy craft, a lot of vibration and
2 jingles and rattles and there are reasons why it might not
3 operate, but I don't think they can be overcome.

4 However, as I say if you do give a towboat a
5 signal and you have a temporary breakdown in your electronic
6 equipment he may be accustomed to waiting for your radio-
7 telephone signal and he might not hear or be listening
8 for your pocket whistle signal. You can be in bad trouble
9 there.

10 These sets, I think, that we have been supplied
11 with here, I don't think there is too much disagreement
12 about their size. Everybody feels they are too large
13 and bulky. They are not an ideal set for that reason.
14 I know the Melvin H. Baker, is one ship I am thinking of
15 that have their own sets, very small sets and when the
16 telescopic antenna is collapsed it looks like a little
17 transistor radio. There are three sets on board, the
18 Captain, the Officer aft and the Officer fore. He talks
19 to them all the time about slacking lines, laying the
20 anchor and that sort of thing. They seem to work all
21 right on the Melvin H. Baker.

22 Q. That is a different type of equipment?

23 A This is their own.

24 Q And a different type?

25 A. Physically, yes.

26 Q There was also some evidence that should
27 perhaps be clarified about the gratuity decided on by
28 the pilots in relation to the widow of the pilot killed
29 in an automobile accident. Perhaps you might give the
30 background?



1 A. I don't like that term, personally. It
2 makes it sound, in my opinion, like a gift. It wasn't.
3 We have had a normal practice during the years if a man
4 dies on duty that our normal sick leave benefits accrue
5 to his estate. I am speaking to the best of my knowledge.
6 This was the system that was carried on in the case of
7 Captain Hickey last year. He died very suddenly in an
8 automobile accident and we voted and requested the Depart-
9 ment to continue his salary for the normal sick leave
10 time, which was two months on full pay and one month on
11 half pay. We felt this was built-in insurance. Actually
12 at that time the widow is under a good deal of strain
13 both financially and mentally.

14 I don't look forward to leaving this world,
15 but I would be quite happy, I suppose, if my estate were
16 treated in the same way. That is the reason I disagree
17 with the term of "gratuity". I think this is the first
18 occasion it has ever been used. Our normal practice
19 is two months full and one month half pay for a pilot who
20 is sick and he can take that, that can be used in one
21 period or used in several, that is a year's period.

22 There is no such thing as in November, 1962
23 taking a couple of months and again in January, 1962 doing
24 the same thing. This is two and a half months during the
25 year period.

26 Captain Hickey, I believe, hadn't at that time
27 had any sick leave for the previous year. Through some
28 negotiation this was paid to his estate. We had hoped
29 at the time we could pay it to the widow. That wasn't
30 possible so we paid it to the estate.



1 Q Captain, are minutes kept of the proceedings
2 of the Pilots' Committee and the Pilots' Meetings?

3 A. Yes.

4 MR. DICKEY: My lord, if the Commission
5 wishes to have access to the minutes of the Pilots'
6 Committee and the Pilots' Meetings they will be perfectly
7 agreeable to that provided they are kept confidential and
8 don't become part of the public record and when the
9 Commission has completed with them that they will be returned.

10 THE CHAIRMAN: That is the practice.

11 MR. JACQUES: Normal practice.

12 THE SECRETARY: I believe the practice has
13 been to file them as confidential exhibits.

14 THE CHAIRMAN: You can discuss it during
15 the recess. We will now adjourn for ten minutes.
16 ---short recess.

17 ---following short recess.

18 MR. DICKEY: Those are all the questions
19 I have of Captain Crook.

20

21 CROSS-EXAMINATION BY MR. LANGLOIS:

22 Q. Captain Crook, would you mind telling
23 the Commission how many of your pilots are members of
24 the Canadian Merchants Service Guild at present?

25 A. I believe the number is nine. Excuse me,
26 eight.

27 Q. Eight?

28 A. That is right.

29 Q. You mentioned yesterday and to-day of
30 meetings of your Pilots' Committee. Would you tell the



1 Commission how many such meetings would you have, normally,
2 in any given year?

3 A Well they are irregular, to some extent.
4 Normally these meetings are called when there is something
5 pressing that we feel should be discussed with the body.
6 I am not certain. We may have on occasion two meetings a
7 week, or in a very short period, but I think we might have
8 had five or six meetings in 1963. I am not sure of that
9 figure.

10 Q Does the Supervisor of Pilots attend these
11 meetings?

12 A. No, just pilots.

13 Q Now mention is made in your brief, and
14 I believe I recall you also mentioned that in the course
15 of your testimony there are uncharted obstructions, under-
16 water obstructions in the Halifax Harbour. What exactly
17 are these obstructions?

18 A. Well there are various shoal grounds un-
19 marked that would interfere with the deeply laden ships.
20 There are many utilities that are unmarked. The general
21 area may be marked. There are a good many cables that
22 lie in otherwise clear ground.

23 However, these shoal grounds would not normally,
24 unmarked shoal grounds would not normally affect the
25 average ships. I am thinking of our heavy deep draught
26 ships when I speak of these. Otherwise, most of these
27 are marked. These are minor in nature, and small.

28 However, the cables of course they are different
29 ranges, the degaussing range, the speed ranges and sound
30 ranges. Some of those are marked. Some are unmarked.



1 Of course there are numerous cables that are unmarked.
2 We have ways of knowing that they are there. I am there
3 when the work is being done, or in the vicinity when
4 the work is being done.

5 Q. These defence cables, are they still in
6 use?

7 A. I have no knowledge whatsoever in this
8 respect. I personally believe them to be.

9 Q What about the anchorages that were in-
10 stalled during the war both in the harbour and Bedford
11 Basin, are they still there or have they been removed?

12 A. The designated anchorages?

13 Q. Yes?

14 A Now this goes beyond my experience but
15 I believe during the war there was a scheme laid down
16 where a ship could be brought in the harbour, I think
17 the system is something that is used on a map in finding
18 a location. You look up the index and see E.10, or
19 something like that. I believe there was some system
20 like that. The harbour was blocked off by anchorages.
21 This was discontinued.

22 Now I believe the Harbour Master has seven
23 designated anchorages in the main harbour, starting down
24 at the Quarantine anchorage south of George's Island and
25 going up to Dartmouth side of the harbour, 2, 3, 4, 5,
26 et cetera.

27 Q. Are the pilots informed of the location
28 of any new underwater Naval installations, such as
29 cables as they are laid or do you have to find out by
30 yourself?



1 A. I am not aware of any published information
2 concerning underwater installations. I realize I am under
3 oath but I have learned this through actual experience.

4 I think there are a good many things that the
5 public should not know. I think that is only right. The
6 Navy has a great responsibility and they certainly have
7 a duty to perform and they must certainly have classified
8 information.

9 Q. Could any of these underwater defence
10 installations create embarrassment to the complete stranger
11 coming in and having to use his anchors in an emergency,
12 or to come alongside during a stress of weather?

13 A. Oh I think that has happened a good many
14 times where ships have wandered in, more or less, and
15 dropped anchor and become fouled. I have seen this happen
16 on several occasions and sometimes in bad weather, some-
17 times in clear weather. It is just that he is not aware
18 of any obstruction.

19 Q. Now when a pilot boards a vessel at the
20 entrance of the harbour, what is the normal procedure
21 of taking over as pilot? Would you tell the Commission
22 what actually takes place?

23 A. Well normally the Captain will say --
24 normally the engine, the telegraph is run on stop, some-
25 times it may be on reduced speed, but from practice my
26 normal experience is when I come up, if the passage
27 is clear and everything is ready to go, as far as I
28 am concerned I say full ahead and give a go ahead and give
29 a helm order, if it is necessary.

30 Sometimes the Master may say we are steering so



1 and so pilot. She is going half speed. She is all yours.
2 There are many ways of doing this. I know some can be
3 awkward. I have never been clear in my mind if you were
4 ever to have a disagreement with the Master what your
5 personal responsibility would be, if your orders were
6 countermanded and the ship did get in trouble, but normally
7 the pilot is, I believe the Navy term is take over the
8 con of the ship.

9 The officer at the telegraph is at his disposal
10 and command and the quarter-master at the helm is also.

11 Q Does the master remain on the bridge?

12 A. Not necessarily. He might have been faced
13 with trouble during the night and quite often he might
14 say I am going down to have a shave, and get freshened
15 up. I am going to have my breakfast now pilot. If you
16 need me, call me. All of these things are not considered
17 abnormal.

18 Q. How do you normally pass your orders over
19 to the wheelsman and engine room? Do you do that through
20 the officer of the watch or direct to the wheelsman or
21 do you yourself handle the telegraph?

22 A. Normally it is through the ship's officer.
23 Sometimes through the Captain and he relays it to the
24 officer and especially where there is a language difficulty
25 I go through a series of motions. I indicate with my
26 fingers how much helm he should put on. I will indicate
27 for him to steady with my hand. I will make a motion to
28 ring the telegraph down or back on stern. There are
29 many ways of doing this. Although it is also necessary,
30 even though you are speaking to a man who is speaking your



1 own language to watch and see that your order is carried
2 out.

3 Q Do you have to use blocks to indicate the
4 course to be steered?

5 A. Very seldom I bother with that. Sometimes
6 I do when they have that block system of course in front
7 of the wheelsman. Sometimes I set them on the course to be
8 steered. Sometimes I will. Some ships have a small
9 blackboard and chalk. Sometimes I will mark the course
10 on that, and then of course you always have to check to
11 make sure the quarter-master follows through on course.
12 But any of these things are normal.

13 Q. In your experience are you prepared to
14 say as to whether or not most of the masters of ships
15 calling at this port are conversant with the local reg-
16 ulations of the port?

17 A Oh no. There are many questions directed
18 to a pilot. It is only normal and natural even from
19 experienced callers. Of course they are amplified with
20 strangers but he is interested in quarantine regulations.
21 That is one of the first questions apart from the ships
22 general seaworthy condition I ask a master. Have you
23 radio partiques and sometimes it may be necessary -- I
24 know I was told I must demand to see this, but I have
25 tried to keep away from any demands of a master because
26 after all I am there at his disposal and I do not feel,
27 when I am on the ship, I am in a position to demand.
28 I am there to assist.

29 However, there are many things that the master
30 may ask you. Quarantine regulations, what are the normal



1 working hours. Do they work at night? Do you handle ships
2 at night? Do the stevedores work at night? What are the
3 meal hours? When are they apt to -- when are the stevedors
4 apt to turn to? Quite often when I drive to a dock and
5 proceed outwards to pick up a ship coming in, if there
6 are any of the Stevedore Company men available there,
7 I usually ask them what time and how many gangs are
8 working. I usually pass that on to the Captain.

9 Q. Are you also called upon to pass along
10 to masters of ships instructions from the ship agents,
11 the local ship agents?

12 A. Oh yes.

13 Q. As to berthing?

14 A. Yes. The agents instruct us where and
15 when they want the ship berthed and how. She may be
16 starboard to or port side to, maybe stern in one of the
17 finger piers. Those instructions come from the agent,
18 of course, and we turn them over to the master, and also,
19 at times, we instruct -- we may take local customs and
20 immigration forms aboard for him when they know he doesn't
21 have them so he can have them ready for him, compiled
22 on the ship and ready when the ship arrives.

23 Q. What would be the result if you were
24 not there to pass these instructions from the ship agent
25 to the master of the vessel coming in?

26 A. I think it would make it awkward for
27 the Captain. I think our ship agents are satisfied with
28 this. I think they appreciate this sort of service. Anyway,
29 I am quite willing to do it. I have no objection to
30 it whatsoever. I think it is a service to the ships.



1 Q. Would this service expedite the turning
2 around of the vessel?

3 A. I think probably the ship agents would
4 agree to that.

5 Q. Now are you supplied, as you board these
6 vessels, with all necessary information as to the behaviour
7 of the ship, its characteristics, such as speed and certain
8 number of revs and stern power, and so on?

9 A Yes.

10 Q Do you have to ask for it or are you
11 readily supplied with this information as you board a
12 ship?

13 A. Sometimes during, probably, the course of
14 our conversation going in the Captain may say well pilot,
15 this is a turbine ship. She is slow in coming astern and
16 he might say that we have 30 per cent stern power so don't
17 depend on it.

18 Motor ships, of course, are different things.
19 Usually these are quite active and you get quite quick re-
20 sponse to stern but normally if there is any particular
21 peculiarity about a vessel, the Master will tell you.

22 I did have occasion one time to have a left-hand
23 screw ship that I was not aware of until I almost got
24 in trouble with her. Finally, after I got straightened out,
25 I asked the Captain what was wrong with it and then he
26 decided to tell me she was a left-hand screw.

27 Q This morning you mentioned the use of
28 radar. Will you say that radar is efficient as an aid
29 to navigation entering this harbour in fog and poor
30 visibility?



1 A I feel personally that radar is an excellent
2 aid. I certainly hesitate to put all my faith in radar.
3 In my position I would not like to become completely de-
4 pendent on any mechanical equipment.

5 As I said this morning, I believe that it is not
6 infrequent that possibly all the ship's electrical equip-
7 ment may be out of order after a long bad sea voyage.
8 I know occasionally when you get on a ship that the only
9 modern convenience we have left is the steering gear.
10 We are right down to a magnetic compass again. The gyro
11 has gone. The radar has gone and certainly if the ship
12 is supplied with radar and it's operating -- but I have
13 been confused at times with radar and if I had put all
14 my faith in that one aid, I could possibly have been in
15 trouble.

16 Q. I don't know if you know about it, but
17 if my memory is not playing tricks on me, was there not
18 shortly after the war a major collision at the entrance
19 of the harbour here even though at least one of the ships
20 was using radar?

21 A. Yes, I believe there was. Would you be
22 speaking about the Mic Mac?

23 Q That is right?

24 A. Then of course here just a few years
25 ago we had two small tankers. Of course they were both
26 fitted with radar. One had a pilot and one was travelling
27 without a pilot.

28 Q. Through your personal experience at the
29 entrance of the harbour using radar would you say that
30 radar would give you a clear picture of the topography



1 surrounding your ship, for the running of your ship?

2 A. It is odd. I have asked several people
3 this question. When I was going to sea quite often we
4 came from Montreal and went direct to Boston, bypassed
5 Halifax on our course. We ~~passed~~ in the vicinity of the
6 light ship and we used to remark that even though we could
7 see all the shore lights of Halifax, we could see very
8 faint traces of our coastline.

9 Now I have never had this explained to me why
10 this coast should return such a poor signal. If you look
11 at it visually all you can see are granite rocks but still
12 this coast does not give too good a signal return on
13 radar. However, each radar set, each make seems to have
14 a little different characteristics. Some are more obvious
15 than others. I am thinking now principally of the very
16 large magnification on some of these where they pick up
17 a distant buoy, for instance and it will show up as
18 an enormous signal and as you approach it, it will gradually
19 diminish until you approach it and it diminishes to the
20 normal size you may expect a buoy to show. I know I have
21 been confused. I think probably I would call it dis-
22 tortion. Now I imagine ship officers are accustomed to
23 this and it doesn't interfere with their operation, but
24 I felt that I did not like to trust this sort of thing
25 too much.

26 Q. Would you for example get the side or
27 back echo from Sambro Head or from tidal rips?

28 A. Yes. If you have a ship with very good
29 operating radar, you may be confused with gulls, I know,
30 I have ~~had~~ it happen very recently. I remarked about the



1 set returning such a beautiful signal and the Captain said
2 don't get confused if you see something that should not
3 be there. It may be a gull. He was quite right. Of
4 course that ship was in ideal trim and the radar was giving
5 a signal close up to the ship.

6 In other words, if you were on a ship that had
7 a good condition trim aft your signal would certainly travel
8 in a straight line and it might go over the top of any-
9 thing you wanted to see close aboard.

10 Q. Are the main buoys at least at the entrance
11 of the harbour and within the harbour equipped with
12 radar reflectors?

13 A. That is right.

14 Q. Now along with the information which is
15 passed along to you by the Master of the vessel, do you
16 get information about squat?

17 A. I have never heard that expression used
18 on board a ship. That is my experience.

19 Q. I understand that you know what it is?

20 A. Yes, I am aware.

21 Q. Have you ever experienced difficulty with
22 large ships squatting and coming into the harbour here?

23 A. Difficulty? No.

24 Q. In handling the vessel?

25 A. No, I have never experienced difficulty.
26 I would consider that I would have to ground the ship
27 to experience difficulty or scrape her in some way. No,
28 I have never been in that -- I usually allow good enough
29 clearance there is a good safety factor.

30 THE CHAIRMAN: You have deep water



1 here therefore this phenomemon would not show up here.

2 THE WITNESS: Deep water, yes my lord and
3 also possibly no narrow necks of water. Of course Bedford
4 Basin, the narrows of Bedford Basin but there you are
5 proceeding at a very slow speed. But actually Halifax
6 Harbour is an excellent port. There is no doubt about
7 that, with ample water, but there are places in this
8 harbour that you have to be good and sure that you are
9 not deviating too far from course.

10 Q. Do you depend much on sounding machines,
11 echo sounders?

12 A I have used sounding machines occasionally,
13 but there again, of course, when I was going to sea
14 as a ship's officer, I used the sounding machine a lot.
15 My experience with that particular machine, I knew its errors
16 and characteristics. However, it's an aid. There is
17 no doubt about that but I would be correct, I believe,
18 in saying that it is not frequently used in the pilotage
19 of ships in Halifax.

20 Q. Would this be on account of the efficiency
21 of the signal machine being affected by currents in the
22 harbour, or the nature of the bottom of the harbour?

23 A Well yes, to some extent, but the problem
24 that concerns me primarily would be how the sounding
25 machine was calibrated for the depth below the keel or
26 the ship's draught at certain stages. That would be my
27 immediate question on the sounding machine.

28 . You have mentioned a while ago that some-
29 times you are called upon to take ships in with machinery

30



1 or electronic equipment aboard. How often are you called
2 upon to take crippled ships into the harbour? Is the
3 Halifax Harbour used as a port of refuge for crippled
4 ships?

5 A Well I think, yes. It is the principal
6 port on this part of the Nova Scotia coast. I believe
7 we get most of this. There was quite an interesting
8 court case last winter about a German ship. I have had
9 personal experience with another German ship loaded with
10 railway ties. When the pilot boat put me aboard, I got
11 up on the bridge and everybody seemed to be around the
12 bridge with life jackets on and the Captain said there
13 is only one man on duty and he is in the Engine Room.
14 There was only one man in the Engine Room.

15 The ship had a very severe list. I know at
16 that time, I recall that particular ship I was supposed
17 to dock her on arrival and I recommended to the Captain
18 that we go to an anchor and he dock her in daylight because
19 I realized with her degree of list that there was going
20 to be considerable difficulty in tying up tugs, and that
21 sort of thing.

22 In other words, the stern of the tug would come
23 right over his bulwarks and crush them. I said the
24 sensible thing to do that night would be to anchor the
25 ship and wait until morning and dock her then.

26 Q. Even though the Commission Counsel is
27 reminding me that crippled ships seeking a port of refuge
28 are exempt ships under the Canada Shipping Act, I take
29 it that you are called upon to assist or to pilot these
30 ships coming into this harbour?



1 A. Yes. We get ships with heavy lists. We
2 get ships under tow and this happens every year.

3 Q. During which period of the year would you
4 have these cases of crippled ships?

5 A. Possibly the winter months may show a
6 greater number. I really can't tell you off hand.

7 Q When would you normally get your largest
8 concentration of shipping in this harbour? What period
9 of the year?

10 A. Our busiest months are normally the first
11 four months of the year, January, February, March and
12 April.

13 Q. What about hurricane season?

14 A Any unusual conditions we can get quite
15 a number of ships in a hurry to get shelter.

16 Q. Would you get foreign fishing trawlers?

17 A. Oh yes. In October we had 30 odd trawlers
18 in one night.

19 Q. Would this be the largest concentration
20 of shipping that you can recall?

21 A. It was the largest concentration of
22 shipping I was ever actively involved in in Halifax
23 Harbour. Certainly the pilots handling ships here during
24 the war had considerable experience in more, but that night
25 it started somewhere around midnight and I think it was
26 around half past six when we finally got them all
27 cleared up. There were running lights, ships under way
28 all over the harbour.

29 Q Would this concentration require all your
30 pilots be on duty at the same time, all the active pilots



1 in Halifax?

2 A. Sometimes, yes. It could happen.

3 Q. It could happen. What about tug service
4 under such circumstances? Have you got enough tugs to go
5 around and service such ships?

6 A. No, these ships don't normally use tugs.
7 These were small ships, I spoke about in this particular
8 case. Under many conditions you have a shortage of
9 tugs. That is, you must accept that because if you have
10 several ships at the same time and everybody wants two
11 tugs that would be beyond reason to expect they would have
12 such a concentration of towboats.

13 Q. What happens when there is a shortage
14 of tugs?

15 A. I think probably, I mean in most cases
16 we are very well equipped here in Halifax with tugs.
17 The tugboat company have new equipment, and occasionally,
18 of course, when they have -- I don't know some sort of
19 chartering facilities, quite often they hire outside
20 towboats.

21 Q Do you have some kind of outside tugs
22 beside your regular tugs for use in Halifax?

23 A. Oh, yes, I have used Naval tugs on numerous
24 occasions.

25 Q. You use Naval tugs?

26 A. But through Foundation Maritime.

27 Q. Would you explain how this is done?

28 A I am not aware of the mechanics, but the
29 Foundation supply the towboats to us and sometimes they
30 are their own, usually they are their own, but sometimes



1 you may have one of theirs and a Navy tug and sometimes
2 you might have two Navy tugs, but we have nothing to do
3 with this. The ships' request would normally go to Foundation
4 Possibly the agents might arrange for this. I am not
5 aware of the mechanics.

6 Q. How often would you carry a concentration
7 of Navy ships in Halifax?

8 A. How large?

9 Q. How often, the war excepted?

10 A. I would say most of the time there is a
11 concentration here, my lord.

12 Q Is it the practice for these ships to
13 come in and out of the harbour in formation or do they
14 normally proceed independently?

15 A. I think we have all seen them going to
16 sea and normally they proceed in an orderly fashion.
17 They look very nice going through.

18 MR. JACQUES: Lines ahead or Lines abreast?

19 A. Usually Lines astern. It is not unusual
20 to see one Navy ship travelling alone.

21 MR. LANGLOIS: When you have a group of
22 ships in Line abreast or Line ahead is there a special
23 warning given to the pilot or to the ship's agents?

24 A. Not necessarily.

25 Q. Not necessarily?

26 A. No.

27 Q. Now, this morning mention was made of
28 security watches. Would you care to explain to the
29 Commission how you are paid for security watches? Are you
30 paid on a detention basis?



1 A. That has been the practice.

2 Q. On a detention basis?

3 A. The same rate.

4 Q You mean to say you are not paid for the
5 first hour?

6 A. Yes, that is the only difference. The
7 rate is the same, but we are paid from the time we go
8 aboard until the time we finish, our services are no longer
9 needed.

10 Q. From the time you board or leave the
11 station?

12 A. There is no one hour lay time. It is time
13 we are on board.

14 Q. Until such time as you leave the ship?

15 A Yes.

16 Q. If you were to travel by land, by vehicle,
17 taxi, to go and stand security watch aboard ship are your
18 expenses paid by the shipowners?

19 A. Oh no. I keep my own records. They are
20 personal expenses.

21 Q. Do you ever have occasion to charge
22 travelling expenses to the ship in the performance of
23 your duties as pilot in the Halifax Harbour?

24 A. No. There are several means. I have
25 several means of getting aboard the ships. Sometimes the
26 pilot boat, if I were in Halifax and going to the Imperial
27 the pilot boat might drop me over there. I might go by
28 tug boat or I might drive in my own car. If you look in
29 our by-laws in the last page the detention is mentioned,
30 item 7, Section 2, hourly rate and maximum.



1 Q. How much would you estimate the expenses
2 you are called upon to make in a year, either in your own
3 car or by taxi in the performance of your duty?

4 I mean not from your home, but from the pilot
5 station?

6 A. I personally keep a record of the number of
7 miles I have travelled and any incidental expenses I
8 might have to pay. That is a personal problem, I feel.

9 Q. You are not prepared to give an estimate
10 of how much that would amount to?

11 A. No. Actually I am not aware of it.

12 Q. This morning mention was made of a ship
13 coming in with dangerous cargoes, explosives. How is
14 the Naval Base supplied with ammunition? Is it carried by
15 ship or does it reach Halifax by rail?

16 A. Ships coming in?

17 Q. Ammunition for the base, supplies for the
18 ammunition depot, is it taken through Halifax by rail or
19 by ships?

20 A. I don't have that information.

21 Q. Mention was made this morning of the
22 pilot boat being used for other duties besides servicing
23 ships requiring pilots. What are these other duties?

24 A. Well, I believe they are on call for air-
25 sea rescue operations. I have nothing to substantiate that.
26 This is just something I have been told. They are used
27 for transporting - they have been used for servicing
28 buoys, transporting Department employees to service buoys
29 on occasion. Occasionally the pilot boat may tow a small
30 vessel in distress. I have had that experience when I



1 was Master of a pilot boat.

2 Q. Since these boats are used for search and
3 rescue, is it to your knowledge that these ships are
4 adequately stored and carry emergency rations?

5 A. I don't think the pilot boats carry
6 any rations except what the crew members feel they require.
7 It is beyond my capabilities. There are no emergency
8 rations stored there or anything like that on board that
9 I am aware of. Normally the pilots, themselves, we
10 put temporary rations aboard, coffee, and that sort of
11 thing for the pilots' use. We have a special place to
12 keep that.

13 THE CHAIRMAN: While we are on the subject
14 we would appreciate knowing, perhaps, from records that
15 you may find, Mr. Jacques, whether for the last two or
16 three years the pilot boats were used in such a fashion.

17 MR. JACQUES: It will come out.

18 THE CHAIRMAN: It might be reflected in
19 the expenses for the upkeep of these boats. We should
20 know exactly what these expenses are.

21 MR. JACQUES: These statistics will be
22 supplied.

23 THE CHAIRMAN: There is a log book?

24 MR. JACQUES: There is a log book which
25 will show exactly how the pilot boats are employed.

26 THE CHAIRMAN: I would like you to furnish
27 it to us.

28 MR. LANGLOIS: I don't think this was put
29 on the record.

30 Will you be prepared to say what the average



1 age is at which a pilot is licensed here in Halifax?

2 A. I don't really have that information. I
3 believe Captain Himmelman and myself entered the service
4 about the same age, although we were in different years.
5 Until recently the age limit was 50. It had been, I believe,
6 extended to 50. I came in under that category and a good
7 many pilots appointed since me came in under that category.
8 Now it is back, I believe, to the original figure of
9 45 years of age. That is where it is to stay.

10 Q Are any of your present pilots former
11 Naval pilots, naval pilots during the war?

12 A. I believe we do have one man who has had
13 that experience. I think I deviated a bit. I entered
14 the service when I was 34. I think Captain Himmelman
15 was about the same age. I think probably since that we
16 have had men coming in in their late 40's. I don't think
17 there is anybody that has been appointed under the new
18 45 year age, under this recent 45 year rule. I think the
19 last man that came in, to the best of my knowledge was still
20 under the 50 year limit.

21 Q. Now, you mentioned this afternoon payments
22 to pilots on probation. How much are they paid for the
23 time they are on probation?

24 A. I believe the figure is two-thirds of
25 the full share. Under probationary licenses, Chapter 14
26 of the By-laws, Section 4, the probationary pilot will
27 receive compensation in an amount to be fixed by the
28 Authority after consultation with the Pilots' Committee.
29 I believe when I entered the service I was on two-thirds
30 pay at first.



1 Q. Were you on two-thirds pay while you were
2 acting as kind of an apprentice, acting with another
3 pilot?

4 A. That is right. In other words I was
5 on pay but I wasn't earning anything. I was learning the
6 job.

7 Q. And the Pilot Fund had to pay for two
8 pilots, a full time and two-thirds pay for one particular
9 movage?

10 A This was no additional cost to the ship.

11 Q. Yes, I know that. In other words, correct
12 me if I am wrong, your pilotage funds were paying for
13 the training of this probationary pilot?

14 A. His earnings came out of the gross revenue
15 of the District the same as the others.

16 MR. LANGLOIS: Thank you.

17 THE CHAIRMAN: We will adjourn now till
18 10:00 a.m.

19
20 ---Adjournment.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

HALIFAX
NOVA SCOTIA

VOLUME No.:

29

DATE:

May 30, 1963

OFFICIAL REPORTERS

ANGUS, STONEHOUSE & CO. LTD.
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at Province House, Halifax,
Nova Scotia, on Wednesday, the
30th day of May, 1963.

COMMISSIONER:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques

Mr. Leopold Langlois, Q.C., for the Canadian
Merchant Service Guild, Inc.

Mr. J. H. Dickey, Esq., for the Pilots of the
Pilotage District of Halifax

Mr. D. Anderson, Esq., Halifax Steamship
Committee, Shipping Federation of Canada.

Also Present:

Capt. J.S. Scott, Nautical Adviser
to the Commission.

Capt. Seeley, Department of Transport
and liaison officer.



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INDEX OF WITNESSES

PAGE NO.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

CAPTAIN CROOK (Continued)

Cross-examination by Mr. Anderson	3135
Cross-examination by Mr. Jacques	3188
Re-direct examination by Mr. Dickey	3257
Re-cross-examination by Mr. Langlois	3258



1 ---Upon commencing at 10:00 a.m.

2

3 CROSS-EXAMINATION BY MR. ANDERSON:

4 Q Captain Crook I believe you mentioned
5 yesterday in your testimony that with regard to submarine
6 cables that Masters coming into this port, the information
7 they obtain on them was from the pilots and from no
8 other source. Is that correct?

9 A. Sir many of these cables are charted.
10 Commercial cables are charted. When I say "commercial"
11 I mean utility, and that type of thing.

12 Q. Are there any active cables that are not
13 charted?

14 A. I would say yes, a great many.

15 Q. Are you able to show me on the chart of
16 the harbour where the active cables are not charted? I
17 was referring to the inner harbour.

18 A. There are a few up around the dock yard'

19 Q. I am just interested in the inner harbour
20 at the present time.

21 A. There are some of these cables not accurately
22 charted. There is a danger area in that vicinity.
23 (indicating).

24 MR. JACQUES: Would you indicate the
25 vicinity in green on Chart 4316, Exhibit 335?

26 (Witness indicates)

27 MR. DICKEY: Perhaps the witness might
28 state the general location of what portion of the shore.

29 THE WITNESS: I would say in the vicinity
30 of the ship yards on the western side of the harbour.



1 Q. What cable is that?

2 A I am not aware of that.

3 Q. Now looking at the rest of the inner harbour
4 here, there is no other active cables of which you are
5 aware that are not charted. Is that correct?

6 A That is right.

7 Q. Now another thing, of the cables that
8 are charted here, none of them are within the immediate
9 vicinity of the anchorage area. Is that correct?

10 A. Oh yes.

11 Q. That is correct. Now Captain Crook with
12 relation to the pilot boats, Mr. Langlois in his examination
13 yesterday was questioning you about the other purposes
14 for which a pilot boat was used. You mentioned air-sea
15 rescue, transporting Department of Transport employees,
16 servicing buoys, and some other purposes. Have you any
17 idea for what length of time say on an average the boat
18 is used for these other purposes?

19 A. No.

20 Q. How many hours a week?

21 A. No.

22 Q. Now with regard to the small boat that
23 is used in the inner harbour, how frequently is that boat
24 used by the pilots? Let us say in the summer season first?

25 A. The Supervisor has the record, but I would
26 say --

27 Q. Am I correct in stating that it would be
28 very few times?

29 A. No.

30 Q. You don't agree with that?



1 A. No.

2 Q. How about in the winter season?

3 A Depending on the business, the pilot boat
4 is active or inactive. The activity of the inside pilot
5 boat depends on the demands on it and those are determined
6 by how heavy the traffic is in the port.

7 Q. In the summer time the occasions where
8 any vessels would be at the anchorage would be a rarity.
9 Isn't that correct?

10 A. Not necessarily sir. There is some
11 quarantine work, but actually I believe statistics would
12 show that the pilot boat does more work transporting pilots
13 to Imperial Oil and to remote places in the harbour like
14 Texaco and occasionally to Burnside at the B.A. wharf
15 and gypsum pier.

16 Q It would be very few times going to the
17 ship at anchorage. Am I correct on that?

18 A Not too frequently.

19 Q. Isn't it possible that with regards to the
20 transporting of pilots, that you mention going to
21 Imperial Oil and to say Burnside, that that could be done
22 by ground transportation?

23 A. Yes, at times. It is often done that way.
24 My experience has been I usually go that way.

25 Q. It is generally done by ground transporta-
26 tion?

27 A. No, I wouldn't say that.

28 Q. But it could be done that way?

29 A. Yes, but it would be awkward as well with
30 an hour's notice. It might be awkward to get to Imperial



1 Oil in a busy traffic time. You can easily use 40 minutes
2 getting from our vicinity here to the bridge head in
3 Dartmouth.

4 Q. So it is the time angle that you are
5 referring to but it still could be done?

6 A. It would have to be done by private
7 transport. There isn't public transport.

8 Q. In your brief Captain Crook you made mention,
9 and it has also been brought out since about the refitting
10 of the pilot boats and either one or more of them during
11 the winter busy season, about one of the pilot boats had
12 a breakdown during the season. Now do you think that if
13 these pilot boats had been properly refitted in the summer,
14 do you agree there would be far less chance of them
15 breaking down during the winter, the busy season?

16 A. I believe --

17 Q. My question there was concerning annual
18 refits. If they were refitted in the summer instead of
19 the winter there would be less chance of them breaking
20 down in the winter, isn't that correct? During the busy
21 season?

22 A. That could be.

23 Q. Now if those two bigger boats were
24 operating, they were in good condition, and so forth, in
25 your opinion do you think it would be possible to dispense
26 with the service of one of the boats, either one of the
27 big boats or small boat, keeping in mind what I was question-
28 ing you about before, about going to the various places
29 by ground transportation? In your opinion do you think
30 that we could dispense with one of those boats?



1 A. No.

2 Q You don't think so?

3 A. No. No, definitely not.

4 MR. JACQUES: Why?

5 THE WITNESS: Which boat were you referring
6 to Mr. Jacques?

7 MR. JACQUES: Why could you not dispense
8 with one boat?

9 THE WITNESS: One large boat?

10 MR. JACQUES: One small boat?

11 THE WITNESS: Experience has shown that we
12 need a standby boat for the outside service.

13 MR. JACQUES: Yes, that takes up two boats,
14 one outside and one inside on standby.

15 THE WITNESS: The need for two large craft
16 is established. The inside craft is a small boat, and
17 it travels in and around the harbour transporting pilots
18 to and from the inner harbour limits, and it is very
19 necessary, because you just can't keep two boats operating
20 continually. You are bound to have minor accidents and
21 repairs and breakdowns.

22 If you had two boats you could easily go out
23 of business without another boat to relieve. Two boats
24 are necessary on the service. I have never heard any dis-
25 pute concerning that.

26 MR. JACQUES: You have one boat on sea
27 station, then you have a standby boat. Apparently from what
28 you have said a third boat would be used to transport
29 within the harbour and you have also said that most of
30 the transportation within the harbour could be done by



1 private car. That sometimes it may cause a delay
2 owing to traffic being heavy when you are called upon to
3 go to a ship.

4 Now if the travelling within the harbour was
5 done through public transport, taxi, could you dispense
6 with the third boat?

7 THE WITNESS: My information is no.

8 MR. JACQUES: Why?

9 THE WITNESS: Because this craft is necessary.
10 We have periods during the winter when transport closes
11 down. I think the records will show about two days every
12 year, sometime in February or March we are blocked. About
13 the only way you can travel is by water, successfully.

14 If you had ample time you may be able to walk
15 but we do have periods when streets are blocked. Now in
16 the summer time --

17 MR. LANGLOIS: Let him finish.

18 MR. JACQUES: He moved on to the summer time
19 and I am still in the winter time. Last winter how many
20 times were you unable to travel through private means
21 in the area?

22 THE WITNESS: I don't recall a particular
23 time last winter, but during the previous year, and
24 the year prior to that, I believe there were occasions
25 when six or seven pilots remained right there in that
26 building waiting for the weather to moderate to work a
27 group of ships that had been waiting for some time. That
28 was the only way they could be sure of being there.

29 MR. JACQUES: And that was how many years
30 ago?



1 THE WITNESS: The spring of 1962 and I
2 believe the spring of 1961.

3 COMMISSIONER SMITH: Is it your opinion that
4 a third boat is required to meet peak situations?

5 THE WITNESS: No, Mr. Smith. One of these
6 boats has to go off for overhaul, so it is conceivable
7 that if it takes roughly a month to overhaul a craft,
8 you have three months of the year you are operating with
9 two boats. Now the large pilot vessel is outside on
10 station.

11 MR. JACQUES: Is she always outside on
12 station?

13 THE WITNESS: No. Supposing this morning
14 we have a ship due at 11:00 o'clock. She will be leaving
15 at 10:00 o'clock or slightly before, around that time, to
16 service this ship. Now there is no way of knowing if
17 that ship is going out, her time. She might not get there
18 until two or three o'clock, even to-day.

19 In the meantime there has been several ships
20 come along with new E.T.A.'s, new arrivals. Is it safe
21 for that ship to leave the station, abandon the station
22 with a ship expected any time, come into the harbour
23 and pick up more pilots? The practice is that the other
24 boat transports the pilots out, probably in the vicinity
25 of Mauger's Beach, if necessary, and transfers them on
26 to the large boat.

27 MR. JACQUES: So that we have found use
28 for two boats.

29 THE WITNESS: But you have a boat under
30 refit. There is a time -- these crafts are not like land



1 transportation. When you have difficulty with a marine
2 craft, it could be quite involved, and tie her up for
3 some time. You need two crafts.

4 MR. JACQUES: Yes. We have established
5 a need for two crafts.

6 THE WITNESS: What are you going to do,
7 the problem is, when one of these is out of commission?

8 MR. JACQUES: What about if you have one
9 out of commission, the second one out of commission and
10 the third one out of commission, would you say you need
11 four boats then?

12 THE WITNESS: No. We feel three has been
13 adequate. Three have done the job.

14 MR. JACQUES: Isn't the concern of the
15 pilots merely to be transported from Point A to Point B
16 as the need arises?

17 THE WITNESS: Yes, but I think it goes
18 a little farther than that Mr. Jacques.

19 MR. JACQUES: Safely?

20 THE WITNESS: I think the concern of the
21 pilot is efficient, safe handling of ships.

22 MR. JACQUES: So long as the pilots are
23 transported from Point A to Point B efficiently and safely,
24 they have no further concern?

25 THE WITNESS: Efficiently and safely, I
26 wouldn't think so.

27 MR. JACQUES: So wouldn't it be a matter
28 for the owner of the boats, whoever they may be, in this
29 district it happens to be the Department of Transport,
30 other places it is private concerns, to decide how we should



1 supply the requested service?

2 MR. LANGLOIS: That is not a fair question
3 my lord.

4 THE CHAIRMAN: What was the question?

5
6 --- (Reporter reads question)

7 "So wouldn't it be a matter for the owner
8 of the boats, whoever they may be, in this
9 district it happens to be the Department
10 of Transport, other places it is private
11 concerns, to decide how we should supply
12 the requested service?"

13 THE WITNESS: If I might make a comparison:
14 I am a freight agent. I decide I need a two-ton truck.
15 My contractor says no. A pick-up is good enough. Doesn't
16 my experience give me some authority? Hasn't my experience
17 through the years given me some idea of what type of
18 craft should be used?

19 MR. JACQUES: I wish you would answer
20 the question. My only problem there, my only concern is
21 that the operation of these boats is quite expensive.
22 It takes \$150,000.00 a year out of public funds just to
23 provide pilots with facility to perform their work. If
24 it could be demonstrated that this amount could be cut
25 down without risk to the pilots, without risk to life
26 and limb, without risk of delaying ships, I would like
27 to know.

28 MR. LANGLOIS: My lord, I am sorry to
29 interject. Your lordship said at the opening of this sitting
30 that all witnesses called to the stand were Commission



1 witnesses. I note now that my learned friend is cross-
2 examining his own witness.

3 THE CHAIRMAN: That is all right. The
4 discussion is important to us, to find out why the pattern
5 of three ships here is necessary. If it is necessary
6 here, this pattern could be repeated all over the country.
7 We would like to know exactly why it is necessary here
8 when we have only two crews to man three ships so therefore
9 the three cannot be used at the same time. Why should
10 we provide an extra one? Is that because there is a need?
11 If one of the two break down couldn't one be borrowed
12 from the Navy or something like this? I don't know. You
13 may say very well if you make this pattern here, that at
14 Escoumains they be provided with three ships, two at least,
15 or other places like that.

16 MR. JACQUES: They have two at Escoumains.

17 MR. LANGLOIS: My lord I respectfully sub-
18 mit then the operator and owners of the boat would be the
19 ones who should be able to write to the Commission on the
20 subject, not this witness.

21 THE CHAIRMAN: I think the important thing
22 is to find out whether three boats are necessary, and
23 if so why. If he doesn't know, he just has to say I don't
24 know. As long as the service is well provided, that is
25 all we are concerned about. He may say in his experience
26 we have found three are necessary because of local con-
27 ditions. That is what we would like to know.

28 MR. LANGLOIS: He has already answered that
29 my lord.

30 THE CHAIRMAN: Well he has not answered as



1 to whether there would be any other craft that could be
2 provided in case of emergency, and so on.

3 THE WITNESS: I am prepared to answer that
4 my lord. We had a problem last year, we felt we had
5 a problem and our District Supervisor investigated the
6 possibility of charting other craft in the harbour and
7 the reply at that time was that there was no suitable
8 craft available for charting that the Department of Transport
9 and Marine Inspection Division would license. That is my
10 information. It is verbal and we have, even with three
11 craft the Department has had to hire outside craft but
12 apparently this has been stopped through licensing.

13 In cases like that actually there might be four
14 craft engaged in pilotage work, if you were to consider
15 one that was broken down.

16 THE CHAIRMAN: Would you know when that
17 three boat system was instituted here in the District?
18 How long ago would that be?

19 THE WITNESS: My lord I joined the service
20 in 1952, in October, and at that time we were having
21 a new boat constructed and fitted for pilot service, which
22 is now the No. 5, and at that time we were sailing the
23 crafts as Masters. Captain Waterhouse was the District
24 Superintendent, and we were alternating every week, two
25 pilots were designated as Captain of the Pilot Boats.

26 At that time, if my memory serves me correctly,
27 we had the General Page as an outside boat, and had a
28 Y.C. Harbour craft from the Navy on loan. Captain Water-
29 house told me that you are a new man, and I know you have
30 spent a good deal of time on small craft but we cannot



1 afford to have any breakdown in this service. Now I am
2 not going to let you go Master of that pilot boat until we
3 receive our new craft, and it was sometime I believe in
4 March before the second large boat was delivered to the
5 service, and at that time I took over as Master of the
6 pilot boat.

7 THE CHAIRMAN: So to your knowledge that
8 is when the three-boat system was instituted?

9 THE WITNESS: It could have been prior to
10 this, my lord. I was not in the service. I was at sea
11 but at that time we were without three craft, and the
12 situation was critical and Captain Waterhouse in his wisdom
13 felt that he could not take any chance on having the
14 service break down, if anything were to happen through
15 an inexperienced man handling the pilot boat.

16 THE CHAIRMAN: I think that has answered
17 the question.

18 BY MR. ANDERSON:

19 Q. Captain Crook just referring again to the
20 transportation of pilots around the inner harbour, isn't
21 it often the case that the pilots will go on one of the
22 tugs to the ship?

23 A. Yes, that is true sir, but we have a good
24 many cases where ships do not employ tugs.

25 Q. Now yesterday you were referring to possible
26 delay for pratique.. Am I correct in stating that it is
27 a standard practice for the Masters of the incoming vessels
28 to request pratique by radio, and to have the pratique
29 granted by radio? That is, provided the vessel has left
30 the port without a disease. Isn't that correct?



1 A. That is correct.

2 It is important enough though that the pilot is
3 requested to ask the Master if he has received radio pratique
4 and it has been my experience that many times I apply for

5 . I request the Master to apply for pratique after
6 I have gotten aboard and we have had the answer before we
7 have approached the dock.

8 Q. But you said it was standard practice to
9 do it by radio so therefore it is done by radio and there
10 is no delay. Isn't that correct?

11 A. That is right.

12 Q. Captain Crook, compulsory pilotage, I
13 am speaking of compulsory pilotage in the sense of a pilot
14 being on board, not compulsory payment of dues. I
15 believe you went into detail yesterday, or the day before
16 that in the interest of safety there be compulsory
17 pilotage. That is correct isn't it?

18 A. Yes.

19 Q. Now I am envisaging this situation: you
20 have a vessel that calls in here regularly. They pay
21 pilots' dues but the Master doesn't feel he requires a
22 pilot. He is familiar with the port and then new leg-
23 islation comes in where there is compulsory pilotage. The
24 pilot has to be on board.

25 The Master is annoyed because he is confronted
26 with that situation. He tells the pilot well I will still
27 handle the ship. You go below. I am still the Master
28 of the ship. I am responsible for the ship. You just
29 stand by.

30 In other words, what are you accomplishing by



1 compulsory pilotage in such a situation as far as safety
2 is concerned?

3 I would like your views on that.

4 A. Mr. Anderson this is not answering the
5 question, but part of it: the pilot on board the ship is
6 in an advisory capacity only. The Master is always the
7 Master of the ship.

8 Q. I am aware of that. Compulsory pilotage,
9 there are statistics to show in Halifax Harbour there were
10 some very serious accidents that have occurred with ships
11 travelling without pilots, who were not required to carry
12 pilots.

13 Q. My point is what is the advantage of
14 compulsory pilotage, to have that pilot aboard, if the
15 Captain is not going to pay attention to him anyway? How
16 does that contribute to the safety of the vessel?

17 A. I don't think that is quite right sir.
18 I don't think a Master would ever really overrule a pilot.
19 He is in an advisory capacity and I think probably any
20 Master would take --

21 Q. It often happens a Master has overruled
22 a pilot. Isn't that correct?

23 A. That could be but you have had trouble.

24 Q. That is a very debatable question. Now
25 with regards to security watch, on how many occasions say
26 within the last year have you yourself been on security
27 watch?

28 A. Once that I can remember off hand.

29 Q. How many in the last five years?

30 A. I am not prepared to answer that. I can



1 think of off hand, probably three. I am not prepared to
2 answer that, Mr. Anderson. I don't recall.

3 Q. This one within the last year; can you
4 tell me when that was?

5 A. It was during the spring - during the winter
6 season early this year. I think, probably, February.

7 Q. Can you tell me the name of the vessel?

8 A. I am not sure.

9 Q If I suggest it...

10 A There are several ships of the same type'
11 with much the same name.

12 Q. If I suggest the name of the vessel to
13 you can you tell me if that is the one?

14 A. Probably.

15 Q. The Leanna?

16 A. Yes, at Pier 34.

17 Q. My lord, this is a pilotage bill for the
18 Leanna for the period December -- it is very difficult to
19 make out. It looks like December 31st. It will be Exhibit
20 368. Would that be the bill that was rendered for your
21 services?

22 A. I believe so.

23 Q. Your name is on it?

24 A. That is right.

25 Q. The invoice number is 52928; is that
26 correct?

27 A. I have no record of that.

28 Q Now, it is changed as far as the account
29 is concerned to detention; isn't that correct?

30 A. It shouldn't have been, Mr. Anderson.



1 Q. What is the amount shown?

2 A. Six, sixty.

3 Q. What is the period there?

4 A. Three hours.

5 Q. What would the amount of the bill be if it
6 was for security watch?

7 A. The same.

8 Q. Wouldn't it be more?

9 A. No, I don't have the By-laws in front of
10 me, but that is what I have been accustomed to charging.

11 THE CHAIRMAN: Has the invoice been filed as
12 an Exhibit?

13 MR. ANDERSON: Yes.

14 THE SECRETARY: What is the date of the
15 Exhibit?

16 MR. ANDERSON: It looks like December 30th
17 or 31st -- it must be December 31st.

18
19 ---EXHIBIT NO. 368: Invoice No. 52928 dated December
20 31st.

21 MR. ANDERSON: Now, Captain Crook, during
22 that date there was also tugs alongside that vessel; is
23 that not correct?

24 A. No.

25 Q. I tender as an exhibit an invoice of
26 Foundation Maritime Limited dated December 31st for
27 assisting the S.S. Leanna alongside Pier 34 due to heavy
28 gales.

29 A. My lord...

30 THE SECRETARY: Exhibit 369.



1 ---EXHIBIT NO. 369: Invoice of Foundation Maritime
2 dated December 31st.

3 Q. Now, Captain Crook, after seeing this
4 account will you rectify your previous statement?

5 A No.

6 Q. Why not?

7 A. Because the tugs weren't alongside the
8 ships.

9 Q. Were ~~there~~ tugs in the vicinity?

10 A. Yes, they were.

11 Q. They were standing-by?

12 A. I had them standing-by. With the weather
13 conditions it wasn't safe to have heavy tugs alongside
14 the ship.

15 Q. The tugs were there to assist the Leanna?

16 A. That is correct.

17 Q. Now Captain Crook, if I suggest to you that
18 the Master of the vessel called the tugs, and called the
19 Pilot Service with the idea of possibly moving the vessel,
20 whether on account of heavy weather approaching or other-
21 wise rather than a straight security watch call, do you
22 disagree with me?

23 MR. LANGLOIS: Surely ---

24 MR. JACQUES: May I say something. There
25 have been a few interruptions during cross-examination --

26 MR. LANGLOIS: You did quite a bit of it
27 yourself this morning.

28 THE CHAIRMAN: I think everybody should
29 wait until the cross-examination of one lawyer is finished,
30 one counsel is finished except to put minor questions to



1 explain one point. When it is going to be lengthy I
2 think it should wait till the end. Otherwise we are going
3 to be mixed up.

4 MR. ANDERSON: What I am putting to you,
5 Captain Crook, is that the Master of the vessel called
6 the Pilot Service and the tugs with the idea in mind of
7 moving the vessel rather than as a security watch? I am
8 asking do you disagree with me or are you not able to
9 answer?

10 A. Checking the despatcher book in the pilot
11 office would show that. I believe you are correct, Mr.
12 Anderson, but this would entail a much higher bill than
13 what is shown. The problem that night, we had to save the
14 ship. It wasn't safe to attempt to move the ship.

15 Q. I understand that. I want to get the
16 record straight as far as the previous evidence was and
17 what is apparently the accurate situation. You mentioned
18 the storm that particular night in your evidence yesterday,
19 it was the storm of that night I think you referred to
20 with winds 75 miles an hour?

21 A. I would say the winds were about that
22 velocity that night. I have no way of checking this,
23 however. I would say the winds were possibly in that
24 vicinity, but this is what generally happens when we are
25 called upon to save a ship.

26 Q. If I suggest to you that particular
27 storm was the worst in ten years would you disagree with
28 me?

29 A. I didn't realize the wind was quite that
30 high that night. It is a surprise to me.



1 THE CHAIRMAN: If they were?

2 MR. ANDERSON: Now, Captain Crook, in your

3 brief, Page 6, Sub-section D it is stated the pilotage
4 system provides an automatic means for controlling movements
5 of shipping within and in and out of the harbour and ensures
6 that the movement of major traffic is supervised by persons
7 having reasonably exact knowledge of the other harbour
8 traffic being conducted or contemplated at the same time"
9 What do you mean by the word "control" there?

10 A. With the use of pilots, a group of pilots
11 working during the same time, the same hours, they realize
12 the traffic that is moving in the harbour. They know what
13 their fellows are doing apart from other incidental
14 traffic. It would be in these finger piers 23, 24, 25
15 and 26 quite often two ships are moving at the same time,
16 one ship supposed to come out and another ship supposed
17 to go in.

18 Q. I don't question the liaison. I am aware
19 of that. I am referring the word "control"? What I have
20 in mind is as far as Navy ships are concerned. You have
21 no actual control?

22 A. Oh no, definitely not.

23 THE CHAIRMAN: Do you have any information
24 as to their movement?

25 THE WITNESS: Dangerous movement. We
26 always receive notification any time they are shipping
27 ammunition.

28 THE CHAIRMAN: But not other types of
29 crafts?

30 THE WITNESS: Not normal traffic movement.



1 If they have divers down or are doing cable work or any
2 underwater work they are very prompt in notifying us, My
3 lord.

4 MR. ANDERSON: Now, Captain Crook, the
5 pilots' leave. The By-laws provide for 21 days; is that
6 correct?

7 A. That is correct.

8 Q Perhaps you might take issue with my calling
9 it unofficial leave, but when I use that term you will know
10 what I mean, that is between the period of April to October
11 where there are 8 pilots -- I should say the pilots alternate,
12 with half of them off a month and the other half on. Is that
13 the first of April or the first of May or when does that
14 system start?

15 A. I am not aware of any such system.

16 Q What arrangement have you in the summer,
17 then?

18 A. We have a mutual agreement where half the
19 crew go on standby for a week and half are on active duty
20 roll.

21 Q. You said for a week, or is it a month?

22 A. For a week, not one month. For one week,
23 not one month.

24 Q. For instance would you be piloting a
25 vessel for every month during the summer?

26 A. Oh yes, every month during the summer.

27 Q. Or would there be a month you wouldn't
28 be piloting a vessel?

29 A. I doubt that. I think I am correct in
30 saying there isn't a month goes by -- the reason I say



1 probably is that possibly in July, the month I take my
2 holidays it may be only one or two ships. I don't think
3 there is a month goes by where a pilot isn't off sick or
4 on some kind of leave that he doesn't pilot a ship.

5 Q. What about this week standby you are
6 referring to? Would you explain that to the Commission?
7 Didn't you say there was a week standby during the summer?

8 A. During the summer no. When I speak of
9 the summer I mean holiday season, July and August.

10 Q. I am referring to the summer season from
11 the navigation standpoint, from, say the latter part --
12 sometime in April, say, to either November or December?

13 A. Our traffic drops off considerably some-
14 time during the month of April. This is normal, and it
15 resumes again sometime in November. During these periods
16 we have been in the habit of half the crew going on
17 standby and half remaining on the active duty list, on
18 the call list, alternating weeks during these periods.

19 Q. It is not alternate months, alternate
20 weeks?

21 A. Alternate weeks.

22 Q. Alternate weeks. When do you start?

23 A. The period is indefinite. It is sometime
24 in April.

25 Q. Sometime in April?

26 A. And the same thing, Mr. Anderson, for
27 the date in the fall. It is still indefinite. When
28 the traffic starts to get heavy we wouldn't take a chance
29 and everybody goes on the active list.

30 Q. You call that week you are not actually



1 waiting to go out in the pilot boat, you call that the
2 standby week, that alternate week during the Summer?

3 A. Yes.

4 Q. During that standby week do you stay at
5 home or is there any reason why you couldn't go to the
6 golf course or work in your garden?

7 A. No.

8 Q. No reason at all. Is it allowable for
9 you to go outside Halifax County?

10 A. Our by-laws, I believe, say outside of the
11 Halifax Area.

12 Q. Is it ever a case some of the pilots during
13 your week standby go outside the Halifax Area?

14 A. That could be. I personally keep by a
15 telephone.

16 Q. That is strictly an arrangement, is it,
17 amongst the pilots?

18 A. That is right.

19 Q. Has it been approved by any other body?

20 A. It hasn't be disapproved.

21 Q. Has it been submitted whether for approval
22 or disapproval?

23 A. The Superintendent at the time, Captain
24 Seeley or Superintendent - I don't recall if it dates
25 back to Captain Waterhouse, Captain Latter...

26 Q. To your knowledge has it been brought
27 to the attention of the Department of Transport? Are they
28 aware of it?

29 A. They are Department of Transport employees.

30 Q. Have they officially approved it, to your



1 knowledge?

2 A I am not aware of that. I am not aware of
3 either approval or disapproval. I know it couldn't be
4 disapproved, otherwise it wouldn't be the practice.

5 Q Do you have personal knowledge if they
6 actually have taken it up with the Department of Transport?

7 A. No.

8 Q. You have no idea. Now, Captain Crook,
9 there is something that I would like to clarify. You men-
10 tioned about the pilots being self employed, and then
11 I believe you made mention they are public servants.

12 I would like you to clarify the nomenclature
13 there?

14 A. Could I have the context of these, Mr.
15 Anderson?

16 Q. I am referring to their being self-employed --
17 I am referring to the evidence that you gave either
18 yesterday or the day before in the course of your questioning?

19 A. The only answer I could give to that..

20 Q. Then with regard to being public servants
21 I am referring to Page 19, Sub-section 3 of your brief
22 where you say they will be entitled to benefits of the
23 Act on an equal footing with other public servants.

24 A Excuse me, could I have that last section
25 again.

26 Q. Yes, Page 19 of your brief.

27 THE CHAIRMAN: Paragraph 3.

28 THE WITNESS: We are considered professionals,
29 self-employed men. Various Government departments have
30 done that.



1 MR. ANDERSON: You consider yourself pro-
2 fessional self-employed men?

3 A. That is right.

4 Q Do you think ~~it~~ is consistent, Captain
5 Crook, for you to expect to come under the Public Super-
6 annuation Act, the Government Superannuation Act?

7 A. Mr. Anderson, we made many attempts to
8 find a solution to our pension fund. I don't think any-
9 body would disagree that we should not have one, especially
10 when we are financing one. Any alternative that would
11 provide us with some ray of hope for a pension would
12 be satisfactory, or would be a help. Any progress in any
13 direction would be a distinct advantage to us.

14 There is also the suggestion that our payments,
15 if we can't do anything or no solution can be found
16 for this, that our payments into the fund be refunded to
17 us so that we can provide another fund to supplement our
18 own.

19 Q Captain Crook, with reference to your
20 status of being self-employed, in that relationship, who
21 do you consider has control over you? Do you consider
22 yourselves in the status of other self-employed people
23 who say I am my own boss? Do you consider it in that
24 phase?

25 A No, Mr. Anderson. If I have ever inferred
26 that I have been in error. I have no dispute with the
27 Pilotage Authority, whatsoever. They license us. They
28 regulate us. They discipline us and, in fact, we are
29 in most cases or most instances Government employees, but
30 we are not paid out of public funds. Anybody, I think



1 that studied our by-laws would find that our discipline
2 under the Pilotage Authority is a good deal more strict
3 than public servants, than normal public servants are.

4 Q. Do you consider the Pilotage Authority
5 in the loosest sense of the word to be your boss?

6 A I don't understand the last term, Mr.
7 Anderson?

8 Q. Do you consider the Pilotage Authority
9 to have full control over you?

10 A Definitely, the Pilotage Authority, yes.

11 Q. Isn't that inconsistent with being self-
12 employed?

13 A No, I don't think so.

14 Q. You don't think it is?

15 A. I am dependent on him and my conduct and
16 his regulations of my conduct for my position. This is
17 an example, is it not - the Bar Association, isn't that
18 something similar?

19 Q I am asking the questions.

20 A Excuse me, my lord.

21 THE CHAIRMAN: I would say in cases like
22 this it is difficult to make any comparison. I think it
23 is a situation all by itself that we don't find anywhere.

24 MR. ANDERSON: Captain Crook, with regard
25 to your reference to discipline, the disciplining of
26 pilots on a local level, is that carried out by the
27 Supervisor here?

28 A. Yes, to some extent. I have no way of
29 knowing to what extent. I would think that probably where
30 severe measures, where the Supervisor might consider stern



1 measures to be adopted that he might also consult his
2 superiors. I have no way of knowing that.

3 Q To your knowledge are there any occasions
4 where the pilots would go direct to the Department of Tran-
5 sport, let us say, over the Supervisor's head?

6 A There are incidents when you can't get
7 satisfaction from the lower echelon and you are bound to
8 work up.

9 Q Now, we had evidence yesterday, Captain
10 Crook, about the Department of Transport's proposal of
11 a new system for the pilotage system here. Now, are you
12 free to state what that proposal was?

13 A. There are two things I don't understand.
14 Which proposal? I think I am free to state personally.

15 Q. What other proposal was brought up yester-
16 day as far as a new system -- I am referring to the various
17 correspondence that Captain Himmelman ...

18 THE CHAIRMAN: Correspondence filed as
19 Exhibit 360 to 366.

20 THE WITNESS: Could I have your question
21 again?

22 Q Without going into great detail what was
23 the basis of that proposal?

24 A That I was offered prevailing rate employ-
25 ment within the Department of Transport.

26 Q Would that prevailing rate employment
27 mean, to your knowledge would that mean the same salary --
28 not salary -- the same take-home money you would have
29 to-day?

30 A. No.



1 Q. Was there any indication it would be
2 different?

3 A. Yes.

4 Q. What difference would there be?

5 A. In dollars and cents?

6 Q. Pardon?

7 A In dollars and cents?

8 Q. Yes, roughly?

9 A This is the first time we have mentioned
10 this in public.

11 THE CHAIRMAN: You could give the percentage,
12 the proportion.

13 THE WITNESS: There are different schools
14 of thought but personally I think it could amount to 10
15 or 15 per cent.

16 Q About 10 or 15 per cent?

17 THE CHAIRMAN: Would that be an increase or
18 decrease?

19 THE WITNESS: It would be a decrease in the
20 future, my lord.

21 Q. That is compared to the 1960 take-home
22 pay of each pilot on an average basis; is that correct?

23 A. 1960?

24 Q. 10 or 15 per cent decrease?

25 A. 1962.

26 Q A 10 or 15 per cent decrease from the
27 1962 take-home pay; am I right?

28 A. I feel that way. There are different
29 schools of thought. I don't have the figures in front
30 of me. I never actually calculated this figure.



1 Q. Is that the reason why you are opposed to
2 it?

3 A. No.

4 Q. What is the reason?

5 A. Prevailing rate.

6 Q. What do you mean by prevailing rate?

7 A. I am not sure that the Department itself
8 knows what the prevailing rate means, my lord. They never
9 explained it.

10 Q. You feel you are worse off by accepting
11 that proposal; is that correct?

12 A. I feel so.

13 Q. Is that the general feeling of all the
14 pilots in the Halifax Pilotage Service?

15 A. I don't think that is so. We all have
16 our views.

17 Q. Did you have a vote on it?

18 A. Yes.

19 Q. Could you tell us what it was?

20 A. I beg your pardon.

21 Q. Did you have a vote for or against the
22 adoption of the Department of Transport's proposal?

23 A. Yes.

24 Q. How many favoured it?

25 A. I don't recall. When the vote was taken
26 there wasn't a full representation by any means.

27 Q. Would it be a slight majority favouring
28 it, or a slight majority against it, or a large majority
29 for it or a large majority against it, without giving me
30 the exact number. Can you tell me that much?



1 A. My lord all of this was carried on privately,
2 by individual letters between the Authority and the pilots
3 concerned and there is no true way of my knowing just
4 how this went, but I do know that 9 men have indicated
5 that they are not interested.

6 THE CHAIRMAN: That they are not interested?

7 THE WITNESS: They are not interested,
8 and this is how it stands.

9 MR. JACQUES: You are sure that 9 were
10 not interested?

11 THE WITNESS: I know that 9 men have sent
12 a form letter. In other words, 9 men have used one corr-
13 espondence. The other correspondence has all been individu-
14 ally between the authorities, the authorities in the
15 Department and ourselves but 9 of us chose to answer in
16 one letter.

17 THE CHAIRMAN: And when was it?

18 THE WITNESS: There has been much corres-
19 pondence.

20 THE CHAIRMAN: When was the last refusal
21 or the last disagreement?

22 THE WITNESS: My lord out of memory I
23 believe our second last letter was when we requested the
24 Department to hold this in abeyance until after the Royal
25 Commission's Report was brought down and I believe a
26 letter came back stating that there was no reason for this
27 and we were given a deadline of May 15th, and I believe
28 our answer to that was that our minds have not changed
29 in the interim period.

30 THE CHAIRMAN: This was a letter that was



1 filed as Exhibit 366, the 25th of April, 1963?

2 MR. JACQUES: You may look through these letters
3 if you wish.

4 THE CHAIRMAN: While we are on this subject,
5 as a Commission, we have taken the stand that we are not
6 here to dictate to the Department of Transport in its
7 administration of its pilotage across Canada.

8 We are just here to investigate what is pilotage
9 and what is going on and, therefore, we have no authority
10 to dictate to the Department of Transport what should be
11 done.

12 It is absolutely out of the scope of our mandate
13 to ask ~~the~~ the Department of Transport to withhold any
14 action on the administration of pilotage across Canada.
15 For instance, we were requested by counsel for the pilots
16 when we sat at Saint John that these negotiations be
17 stopped. Well we felt that it was out of the scope of
18 our mandate to do so because we are not the Department of
19 Transport. We are just investigating what is the situation
20 and of course this situation may change and unless some-
21 thing very harsh or a great injustice is being done that
22 would amount to a case where an injunction could be taken
23 in the normal case in civil court, I do not think we
24 should do anything.

25 Of course, the only thing we can do would be
26 to report to the Governor-in-council and as the Governor-
27 in-council some restrictions could be imposed on the De-
28 partment of Transport. You see how difficult it is, so,
29 therefore, that is why we are investigating the dealings
30 of the Department of Transport because we have to know how



1 it works. We also make our recommendation as to what we
2 feel about the proposal being made, but we are especially
3 interested in the procedure being followed, and finding
4 out the relations between the Department of Transport acting
5 for the Pilotage Authority, and the pilots here.

6 This is the stand we have taken so far, and I
7 do not think we can do anything else but we are much
8 interested in finding everything out about that.

9 MR. LANGLOIS: May I say my lord, with
10 your permission, that when I raised this point in Saint
11 John in March, I had in mind that since your Commission
12 was investigating the administration and operation of
13 Pilotage in Canada, that the mere fact of my getting up
14 and mentioning this would be enough warning to the Depart-
15 ment to induce them to stop. I understand, and I quite
16 agree with the position taken by the Commission, that you
17 cannot in any way dictate to the Department to take a
18 different course of action.

19 I respectfully submit, my lord, that it is within
20 the scope of this Commission's Terms of Reference in
21 investigating fully, as your lordship just indicated that
22 it would be done, the actions of the Department in putting
23 the pressure on the way they have been putting it on
24 the pilots of Halifax in order to get them to agree to
25 their views.

26 This letter of April 26, which I sent to your
27 lordship through the Commission Counsel under date of
28 May 16th --

29 THE CHAIRMAN: Yes, it is filed as No.

30 366.



1 MR. LANGLOIS: In this letter, my lord,
2 I respectfully submit there is a paragraph which is tanta-
3 mount to intimidation. That deadline was set for May 15th
4 for the pilots of Halifax to express their views.

5 I do not think it was a coincidence my lord
6 that this was exactly twelve days before the Commission
7 was going to sit here in Halifax.

8 As it was established yesterday, through the
9 filing of the by-laws of the Halifax District, the Depart-
10 ment, the officials of the Department of Transport in
11 putting this proposal before the pilots of Halifax violated
12 their own by-laws.

13 THE CHAIRMAN: It is mentioned in the brief
14 here, the pilots' brief and this has not been fully
15 investigated as yet. I have a few questions to ask on
16 that matter. The way the letters are written are facts,
17 and facts are what we want brought here so we can consider
18 them. That is what we want.

19 MR. LANGLOIS: Thank you my lord. I am
20 quite satisfied with that.

21 THE WITNESS: My lord, if I may say a word,
22 my relations with the Department to date have always been
23 pleasant. I personally am not enchanted with the offer
24 I have had made by the Department. I try not to be
25 belegerent about this. I do not think belegerence is
26 required. I think there is some amicable solution.

27 I have not discounted the Department completely,
28 I feel they are making some efforts, and I have hopes for
29 the future. I certainly do not wish to do anything
30 that the Department might think I am a rabid enemy, or



1 something like that.

2 THE CHAIRMAN: From what I gather so far
3 there is no conflict whatever.. They just offered you
4 another situation, another status and then it is up to
5 the pilots to accept or to disagree. There is no conflict.
6 You may carry on.

7 BY MR. ANDERSON:

8 Q. Captain Crook you stated in your evidence
9 that the average time from the pilot office to the inner
10 automatic where usually the pilots are picked up is one
11 hour. Is that correct?

12 A That is correct.

13 Q I am not talking about exactly. An hour
14 approximately?

15 A. That is correct, one hour steaming, roughly.

16 Q. I don't know whether you mentioned the
17 steaming time coming in or not, but from the time you
18 get on the vessel out at automatic, or wherever it might
19 be, and bring the vessel into the pier and have her secured,
20 would that be about another hour?

21 A. In the main harbour with normal vessel,
22 yes. With a large tanker or with a Gypsum craft, no.

23 Q With regards to the average movement
24 around the harbor, from the anchorage to one of the berths,
25 what would be the actual time you would be on assignment
26 like that? An hour? Would that be fair?

27 A. No, I think it would be appreciably longer
28 than that. The term "average" in the last question,
29 it would be actually the minimum time. One hour would
30 be the minimum time.



1 Q To compensate for some of the assignments
2 that would be shorter than others, could we say that the
3 time spent on each assignment would average two hours?
4 I am just speaking average now. Some would be less, some
5 would be greater. I realize that. I am just trying to
6 arrive at a mean, a rough mean. We cannot be exact about
7 this right at the moment.

8 Q Actually Mr. Anderson this goes a little
9 deeper than the question. This has been one of our problems
10 with the Department, how they calculate our time. You
11 are probably right, partly, but it would be a half truth.
12 I consider myself on duty --

13 Q I am not asking that question. I am just
14 asking about average time. That is possibly fair, isn't
15 it?

16 A. It could be. I have no records.

17 THE CHAIRMAN: We would be interested
18 in the breaking up of the time on duty for a voyage inward
19 and outward, I mean to get an inward vessel, how long
20 would it take from leaving, the average time leaving from
21 the pilot station to get to the ship, and then take it
22 from Fairway buoy, let us say, to the Gypsum pier, and
23 then from Gypsum pier to reach your station again?

24 THE WITNESS: I think most of us my lord
25 attempt to get a job over as quickly as possible. You
26 like to be considered efficient. I think probably from
27 the time you board until the time, about the best time
28 you could do, until the time you get the ship at Gypsum
29 pier, observing precautions, speed, et cetera, would be
30 about an hour and a half. I don't think you could do it



1 much better than that. A few weeks ago a friend of mine
2 on the Gypsum pier remarked "where have you been?". We
3 were making that trip on about half power. We were slowed
4 down. We lost time on that. However, in the main harbour
5 there may be a little friendly competition between the
6 pilots under normal conditions. Some of us like to get
7 a passenger boat tied up at Pier 21 at sea wall, if we
8 can get it, in under an hour.

9 THE CHAIRMAN: Under an hour from when?

10 THE WITNESS: From the time we board
11 say fifty minutes, something like that, but it isn't too
12 easy to attain, and on a Gypsum ship, you couldn't do this.
13 It's not easy. In fact it's closer to two hours than
14 an hour and a half. You have a heavy-laden ship with a
15 good deal of suction at high speed and you must be very
16 careful in travelling through the upper harbour, in the
17 Narrows and the harbour where the dock yard is. Of
18 course 8 knots speed limit still applies but with that
19 type of ship 8 knots is dangerous.

20 I think probably -- what was the other part of
21 the question? Movages?

22 THE CHAIRMAN: From Gypsum pier, for
23 instance, to reach your station, how long would it take?

24 THE WITNESS: Between an hour and a half
25 and two hours, everything going well my lord.

26 THE CHAIRMAN: From boarding, from leaving
27 your station to returning to your station? Or more than
28 that?

29 THE WITNESS: From out to in?

30 THE CHAIRMAN: Yes, a ship coming in.



1 THE WITNESS: A Gypsum ship, my lord?

2 THE CHAIRMAN: Leaving your pilot station
3 downtown here and returning to your pilot station, the
4 job completed, fair weather and good conditions?

5 THE WITNESS: It would take us one hour
6 steaming out, at least one hour steaming out if the ship
7 were right on time. You understand a ship is not like
8 a train. That is pretty hard to do, and the normal thing
9 is the ship may be late.

10 THE CHAIRMAN: Let us say she is right
11 on time.

12 THE WITNESS: It would be about -- the
13 best we could do would be about an hour and a half to
14 finish tying up, then of course the gangway and that sort
15 of thing takes time. Quite often the pilot comes down
16 by towboat, and another three-quarters of an hour to an
17 hour could be used up there, so we will say about three
18 and a half hours. That is approximately right for an
19 inward vessel, a Gypsum ship.

20 THE CHAIRMAN: The same ship arriving on
21 time at the place of rendezvous, and with conditions like
22 last night - I heard the fog horn last night.- There
23 wasn't much wind but I heard the fog horn.

24 THE WITNESS: There my lord there might
25 be a great difference. It is pretty hard to determine
26 but I certainly do not travel at anything but a very
27 careful speed in fog.

28 I have my own opinions about navigating the
29 Narrows with radar in fog. I am not too anxious to do
30 that sort of thing. That could take quite a bit of time



1 my lord. It is pretty hard to determine.

2 I think probably that with consultation with
3 the pilot and the master, it might be a case that the
4 ship might anchor until the fog lifts. It depends how
5 thick the fog was before she negotiates the Narrows.

6 Q. Are there times, Captain Crook, when you
7 would join the vessel inside the inner automatic?

8 A Are there occasions?

9 Q Yes?

10 A. Yes, an inward vessel inside, yes.

11 Q. Where would that usually be? In the
12 vicinity of Maugher's Beach?

13 A. Not normally there, no Mr. Anderson. I am
14 thinking of times of heavy weather, the pilot vessel, at
15 the discretion of the master of the vessel, when he feels
16 it is not safe, he might say Maugher's Rock, sometimes
17 possibly Lighthouse Bank.

18 Q. It takes less time, in other words, if
19 you pick up the vessel there?

20 A. Oh no, times of bad weather you will find
21 there is a good deal of waiting time spent.

22 Q. It would balance itself out pretty well?

23 A With what?

24 Q With the average time, if you were going
25 out in better weather?

26 A. No.

27 Q. How much longer would it be?

28 A. We have ships coming here --

29 Q. I am just talking about average. I am
30 not trying to be difficult.



1 A. It is pretty hard to strike an average there
2 because we may have ships that never show up in this kind
3 of weather. They may lay off the light ship. It happens.

4 Q. To go back to my questions a few moments
5 ago with regard to the average time on an assignment,
6 we were mentioning two hours. You feel it would be safer
7 to extend that time. An average time on an assignment,
8 on the main, moving the vessel whether inward or moving
9 in the harbour, some of them are longer, some of them are
10 shorter. I want an average. You feel two hours is a little
11 on the short side. Is that correct?

12 A. For the average time spent?

13 Q Yes?

14 A I am sorry Mr. Anderson but I have never
15 really kept records of these. The period of time involved
16 in the movage is so indefinite that I have just never
17 bothered investigating it to that extent.

18 Q You must have enough experience that you
19 have a pretty good idea. You mentioned bringing the vessel
20 in and going out, the average time that was taking, so
21 you must have, from your experience, a pretty good idea.
22 As I said before, I realize some of the assignments would
23 be longer than others. I am trying to arrive at an
24 average.

25 A. The normal jobs, coming in and out, it is
26 not normal to have a hold-up but any movages, they can
27 be a bit complicated. They can be from anchor to ship
28 yards, waiting on ship yards. You may be waiting for
29 tugs anchored in the harbour. You might have several ships
30 waiting in the harbour for tugs. It is not feasible that



1 a tug would be available for every ship. Quite a bit of
2 time is spent waiting. You have got a lot of waiting time
3 on movages and I wouldn't be prepared to say if two hours
4 would be an average. I think it would be more, much more.

5 Q. If I suggested three hours you feel that
6 would be more in line. Is that correct?

7 A. I think so, but I would not be prepared
8 to determine its value because it still would be only
9 very very rough.

10 Q I realize that. You would not take great
11 issue if I extend it another hour. Is that right?

12 A No, but I would feel just the same as if it
13 was seven hours.

14 Q. Now let us assume it's three hours
15 Captain Crook. Now I refer you to Exhibit A in your
16 brief for the year 1962. Now under the number of trips
17 in and out, at the bottom under the summary we have 3,469.
18 Right?

19 A. Yes.

20 Q. And under the number of moves 820? 1962,
21 Exhibit A?

22 A 3,469 --?

23 Q And 820?

24 A. 780. Excuse me, down below, yes.

25 Q. At the summary at the bottom. Now I would
26 like you to do a little calculation here Captain Crook.
27 The total of that is what? The number of trips in and
28 out and the number of moves?

29 A 4,300.

30 Q. I have a little different figure from



1 yours?

2 A That may be quite so, Mr. Anderson. I am
3 not too much of a mathematician.

4 Q If I suggest it is 4,289 you don't disagree
5 with me then?

6 A. No.

7 Q. Now we have the number of effective pilots
8 there as 18.3 under the summary there?

9 A That is right.

10 Q. Now that is 18.3 pilots carrying out the
11 total number of 4,289 assignments?

12 A. Yes.

13 Q How many does one pilot carry out?

14 A If we take an average, we have to divide
15 them.

16 Q. I will suggest a figure to you. If you
17 want to double check me, that is fine. I will suggest a
18 figure here of 234.37?

19 A Thank you.

20 Q. Now referring back to my question before
21 about the average time per assignment, let us take the
22 average time at 3 hours. It might be on the high side.
23 You think we are on the low side but let's take the average
24 of three hours and we multiply that 234.37 by three hours
25 and get 703.11 hours. Do you agree with me so far?

26 A. Yes.

27 Q. Now let us take the whole year, that
28 would mean that in 365 days each pilot works, on the basis
29 of the calculation before, 703.11 hours?

30 A. Calculating it that way, yes.



1 Q. I am calculating it this way. Now in one
2 day, if you wish to work this out, or do you wish me to
3 submit my figure?

4 A. Thank you.

5 Q. Have you worked it out? I have a figure
6 of 1.92. Now that would be the number of man hours worked
7 per day?

8 A No.

9 Q. Based on our previous calculation. Isn't
10 that correct?

11 A No.

12 Q. On the basis of our previous calculation?
13 What is wrong with our calculation?

14 A. I disagree with the term "worked per day"
15 Mr. Anderson. This is the time you may be actually
16 aboard the ship per day.

17 Q. That is what I was arriving at. Now
18 Captain Crook in the summary of the pilots' work loads,
19 Exhibit 353, which is the busiest month, March, 1962, we
20 have time on leave 1,512 hours for March 1962.

21 A. I don't have that form Mr. Anderson.
22 (indicates form to witness)

23 Q. Now does that, to your knowledge, mean that
24 a number of pilots were on leave for short periods during
25 that busy month, or does it mean two pilots or one or
26 three were on leave only?

27 A. I am sorry Mr. Anderson, I am not trying
28 to evade the question. I don't know how these records
29 are compiled. I know nothing about them. This is the
30 first time I have seen this.



1 Q. To your knowledge were any pilots on leave
2 in March of 1962?

3 A. I would be prepared to answer that as yes.
4 I don't know their names. They may be on leave for a week.
5 There will be two men off for a week.

6 Q. There would be two on leave at the same
7 time or do you know whether it would be on a different
8 basis?

9 A. Yes. Our practice has been two men on
10 leave at the same time for one week.

11 Q. And that was the busiest month in 1962?

12 A. Could be.

13 Q. It is stated here.

14 A. Could be.

15 Q. Captain Crook keeping that in mind, and
16 also the figure we have arrived at of 1.92 man hours per
17 day worked, in your opinion could an efficient pilotage
18 service be performed here with a lesser number of pilots?

19 A. My submissions have indicated that.

20 Q. You are in accord with that?

21 A. This is what is going to happen quite
22 shortly. In fact, it has happened now.

23 Q. Isn't this obvious, that if there were a
24 lesser number of pilots, that the share of the earnings
25 that would go to those pilots could be used for the
26 institution of a proper pension fund?

27 A. No, I am not aware of that.

28 Q. My question was could it not be used for
29 that purpose?

30 MR. LANGLOIS: He is not an actuary.



1 Q. I am not asking him any actuarial questions.

2 A. I don't think so.

3 Q. Is there any reason why all the money could
4 not be used for pension purposes?

5 A. I don't think so. You have a different
6 number of pilots in mind than I do Mr. Anderson but with
7 what I am thinking of, I don't think so.

8 My lord, to clarify myself, if you peruse
9 our order book -- I have the figures somewhere. I don't
10 know where they are -- our despatch book in our office,
11 the despatcher's office, there are many days that you will
12 find more than 20 jobs. The figure 26 will appear fairly
13 often. There will be quite a number between 20 and 24 and
14 25. There are some, of course, over this. The reason
15 I say this is that it is very hard to say our times are
16 calculated to date, times we were actually involved in
17 the ship.

18 They are also working a 365 day year. There
19 are many reasons why these figures are misleading, in my
20 opinion.

21 THE CHAIRMAN: We are aware of that.

22 THE WITNESS: Excuse me, I don't mean it
23 has been intentional.

24 THE CHAIRMAN: We appreciate the difficulties
25 that are given to us. That is why these questions are
26 asked. If we were to base ourselves on these figures and
27 we didn't know exactly what they mean then we are going
28 to arrive at conclusions that are not really borne out
29 by the facts. That is why these questions are being
30 asked. In fairness for everybody concerned I think we



1 should know exactly what they mean. We appreciate there
2 are other factors and we would like to have them.

3 MR. ANDERSON: I would also like to mention that
4 my principals are certainly interested in proper pensions
5 for pilots. We regret if there is any inference it is
6 otherwise. My purpose in questioning you this way is to
7 ascertain whether by diminishing the number of pilots,
8 and perhaps cutting down other expenses, where if you
9 weren't in accord with the Department of Transport's
10 scheme, some other arrangement - these monies that are
11 saved could perhaps be used for pension purposes.

12 A. I understand that, Mr. Anderson. If I
13 might have my brief case, my lord, I have my own personal
14 figures in the notebook and I could explain how they are
15 derived. Possibly that might be of some assistance.

16 THE CHAIRMAN: Mr. Anderson. Do you think
17 we should adjourn for a few minutes? The witness has
18 been on the stand for more than an hour and a half.

19 ---short adjournment.

20 ---following adjournment.

21 MR. ANDERSON: Captain Crook, I would like
22 to refer back to my previous questioning with regards to
23 the summer arrangements the pilots have. You mentioned
24 that they would have an alternate week stand-by?

25 A. That is right.

26 Q. In Captain Latter's, the Supervisor's,
27 testimony he stated that the arrangement was monthly. Do you
28 disagree with Captain Latter's statement?

29 A. Yes. In answering these questions and I
30 think that goes for all of us, none of us, at least myself.



1 I am not accustomed to being cross-examined. I am not
2 accustomed to the witness stand and, my lord, I am testifying
3 as I know it and I observe my oath strictly and some of
4 the questions I have found I have answered indefinitely
5 because I wasn't too sure of actual dates and facts.

6 Proceeding from there, Mr. Anderson, if you excuse me, in
7 the month of March I haven't got the record of my time.
8 I do have December complete which was also a busy month.

9 Q. I am referring to this April to October
10 period you mentioned?

11 A Fine, April to October -- I believe Captain
12 Latter was probably a little confused there. It is a
13 week.

14 Q. You disagree with Captain Latter? You
15 say it is a week?

16 A. I would like to put it a different way.
17 It is a week on or off. I don't disagree with Captain
18 Latter.

19 Q. How can it be a week and a month?

20 A. I have tried...

21 MR. JACQUES: I have the records for the
22 month of August and it shows a week's vacation at a time.
23 I have just spoken to Captain Latter and he said the
24 summer is divided just about equally among the pilots, but
25 the form called Records of Pilots' Work..

26 THE CHAIRMAN: You will put that in as
27 evidence later on. As far as Captain Crook is concerned,
28 we are going to just ask him when he worked during the
29 month of August.

30 MR. JACQUES: I thought this would help and



1 perhaps shorten a lengthy cross-examination.

2 MR. DICKEY: I do submit, my lord, it is not
3 quite proper to put this witness in the position of contra-
4 dicting another witness. He is quite prepared to state
5 facts in answer to Mr. Anderson's question as he knows
6 them.

7 If some other witness has said something different
8 that is a matter for the other witness.

9 THE CHAIRMAN: There might be some little
10 discrepancy, and we know the records are being kept. It
11 might be well to know whether it is week or month. I think
12 if Captain Crook can say when he worked during the month
13 of August last we will know, for instance whether this
14 will agree with the record and how the records are kept.
15 These are facts we would like to know.

16 THE WITNESS: In the month of August, Mr.
17 Anderson?

18 THE CHAIRMAN: Yes, can you tell us?

19 THE WITNESS: My personal records are 23
20 ships handled. My time is 203.5 hours. 21.5 of those
21 hours were business at the office. The period I considered
22 actually on the job, and I will explain that, was 182
23 hours. I believe that averages 8.04 hours per job.

24 Now, I calculate my time from the time I become
25 first-up. I feel that this is a conservative way of doing
26 it because I am actually on duty 24 hours. I am on call
27 24 hours, weekends, Sundays, Holidays, at nights. Our
28 job entails there is no such thing as enjoying yourself on
29 a weekend or a holiday if you are on the duty roster.

30 I also have these figures for December, 1962.



1 I added these up very quickly, $174\frac{1}{2}$ hours. 22 ships,
2 12 trips to the office ranging from five to two hours
3 making thirty-four hours in total as office hours. I have
4 deducted that from my total and I reach 139 hours on the
5 job, which averages 6.34 hours per job. These again
6 are times taken from the time I have become first-up. I
7 feel I must clarify that because occasionally there may be
8 as many as 7 of us. One man is first-up and when a job
9 comes in there may be as many as 7 of us called out that
10 same hour.

11 Yesterday, which is a summer month, and quiet,
12 supposedly, and we are operating on this week on call and
13 week on duty, and yesterday all the men on call, which we
14 casually say is the week off were called for duty. I
15 believe the whole list of pilots were called yesterday.
16 This is my information.

17 THE CHAIRMAN: Do you know once or twice?

18 THE WITNESS: They were called on duty.
19 I don't know how many times, my lord. Actually they were
20 on the stand-by list for this week. My informant told
21 me they were called up yesterday. I realize we are a
22 little short because a couple of us are off on Commission
23 work.

24 THE CHAIRMAN: One question on this: in
25 the month of August 1962, just to finish this period,
26 can you tell us the dates you were so employed?

27 THE WITNESS: The first entry is the
28 first, my lord, and the last is the 29th. I notice here
29 on the 7th I have two entries, the Mikishima Maru and the
30 Aurivaara. On the 14th twice, on the Osiris. On the



1 16th , the Esso Switzerland and the Sto Ikyi, this is a
2 Russian ship. It has an awkward spelling.

3 Q. That means two jobs?

4 A. On the 25th the Taran and the Sun Corona.
5 Those are days I was called twice in the month of August.

6 THE CHAIRMAN: Does that mean you piloted
7 a ship only on those four days during the month?

8 THE WITNESS: No, my lord. Those are the
9 days during the month that I piloted two ships.

10 Q. When did you pilot only one ship?

11 A The 2nd, 3rd, 4th, 10th, 11th, 13th, 15th,
12 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 26th -- 23 jobs
13 in all.

14 THE CHAIRMAN: Your week on and week off
15 didn't apply for that month?

16 THE WITNESS: No. Again in December, my
17 lord, 22 ships piloted in December. I have subtracted
18 the office hours. My figures show total hours, so I
19 calculated office hours and subtracted them from this figure
20 giving time I am actually involved with shipping, and
21 that averages 6.34 hours on duty, actually on duty.

22 THE CHAIRMAN: In order to calculate or
23 to find out the days every pilot worked it would be very
24 easy from your returns or the cards you are keeping that
25 are filed with the Superintendent?

26 THE WITNESS:: Well, my lord, the reference
27 we made to the time calculated in our brief here -- we
28 have had discussions with the Department on these records
29 we have kept and we feel they were very unjust. We had
30 much correspondence with the Department.



1 THE CHAIRMAN: I am not questioning here, the time of
2 the job, but the amount of time you worked.

3 THE WITNESS: Yes, that is right.

4 THE CHAIRMAN: You may say it was four
5 hours and the Department may calculate one hour, but we
6 can find out what you worked that week or any other week
7 from the records you file?

8 THE WITNESS: Yes.

9 BY MR. ANDERSON:

10 Q. Captain Crook, you have had experience
11 as a ship's officer and also as a master and visited various
12 other ports in Canada; is that correct?

13 A. Yes.

14 Q. Based on these other ports, do you consider
15 Halifax is as good as any of them, if not better?

16 A. I am prejudiced. I consider Halifax my
17 home. I think it is better.

18 Q. So in your brief, and it is probably need-
19 less for me to mention this, Page 1 of your brief you
20 mention Halifax is one of the finest harbours in the world,
21 one of the principal ports in Canada. You are fully in
22 accord?

23 A. That is right, Mr. Anderson.

24 MR. ANDERSON: Thank you, Captain Crook.

25 COMMISSIONER SMITH: If your lordship
26 pleases I would like to ask the witness a question. It
27 is a question arising out of a question by Mr. Anderson.

28 Mr. Anderson, you correct me if I misquote you
29 in anything I say. It had to do with the question of
30 compulsory pilotage. As I understand it Mr. Anderson asked



1 you a question prefaced by something of this language, that
2 it would be illogical to force a pilot on a master under
3 compulsory pilotage if the master didn't want the service
4 of a pilot and he might treat him as a cabin boy or some
5 lesser category.

6 I didn't get your answer to Mr. Anderson's
7 question. What I want to ask you is this: are you aware
8 that under Part VIA of the Canada Shipping Act the
9 Governor-in-council has power in the Great Lakes Basin
10 to designate areas on which pilotage is compulsory where
11 the master of a ship must take a pilot whether he wants
12 to or not. Section 375B states:

13 "Notwithstanding anything in Part VI no
14 owner or master of a vessel of 250 gross
15 tons or over shall operate his vessel
16 (a) in designated waters of the Great Lakes
17 Basin unless the vessel is piloted by a
18 registered pilot or (b) in waters of the
19 Great Lakes Basin other than designated
20 waters, unless the vessel has on board
21 (i) a registered pilot, (ii) an officer
22 having the qualifications prescribed by
23 the Governor-in-Council or (iii) a person
24 holding a pilots' to navigate those waters
25 issued by the Government of the United
26 States."

27 I must add this, that the Minister has power
28 under certain conditions to exempt the master or the owner,
29 as the case may be from taking a pilot, but as a matter
30 of fact under the law there is compulsory pilotage. I



1 don't know whether you realized that when you made your
2 answer to Mr. Anderson?

3 THE WITNESS: Yes sir. That was one of the
4 reasons for this item in the brief. We have Canadian
5 ships in this port over 1,000 tons -- under 1,000 tons
6 are exempt. The point I wish to make is that some of these
7 ships are carrying a dangerous cargo. You have small
8 coast-wise ships carrying explosives. You have small coast-
9 wise tankers carrying petroleum products. If these ships
10 are involved in an accident, and I think I am right in
11 saying the risk is enhanced by not using a pilot. There
12 is a danger to the public as well as other ships navigating,
13 as well as to commercial traffic. Our Act also states
14 Canadian ships over 1,000 tons need not -- it is compulsory
15 pilotage -- if they don't use a pilot they may pay half
16 pilotage. This has also happened recently, and the odd
17 part of it is these ships I consider dangerous.

18 The records show that these particular ships
19 have been in accidents frequently recently. Fortunately
20 there has been no loss of life. The last loss of life
21 in Halifax Harbour I can recall was caused by two ships,
22 one I think was Canadian and I am not sure what the
23 Gertrude de Costa was, and they were frequent callers to
24 the port and they should have been familiar with the port
25 and yet they became confused and were in collision and
26 several men were killed.

27 COMMISSIONER SMITH: That was the Basin?

28 THE WITNESS: No, this is another one. This
29 happened in the vicinity of Ives Knoll. There were no
30 pilots involved in this. There was considerable loss of



1 life and both of these ships were travelling unpiloted,
2 without pilots' assistance, and they came in collision
3 at a bad point in the harbour.

4 THE CHAIRMAN: Do you know when that
5 happened?

6 THE WITNESS: I don't recall. I am sure
7 there are many in the audience that do.

8 THE CHAIRMAN: Could you get the information
9 and let us know so it will be in the record?

10 THE WITNESS: Yes, my lord. Now?

11 THE CHAIRMAN: No, later on. I have to
12 make a remark. During this discussion and in recent dis-
13 cussions we sometimes don't talk in the same terms, the
14 same sense, the same meaning. On the question of compulsory
15 pilotage there are many nuances as to the actual navigation
16 of the ship as to whether it is compulsory navigation
17 or just compulsory taking of pilots.

18 THE WITNESS: My lord, this was one of the
19 reasons, no doubt, when our authorities compiled the
20 Canada Shipping Act I am quite confident that they paid
21 particular attention to forming these laws, and they must
22 have had a very good reason for having compulsory pilotage
23 in these areas.

24 COMMISSIONER SMITH: The Americans have the
25 same thing on their side of the International Waters.

26 THE WITNESS: Yes, Mr. Commissioner, and
27 I believe the Authorities in the States are pretty well
28 universal in compulsory pilotage. I have no records to
29 prove this. This has been my opinion through the years.

30 MR. LANGLOIS: When you mentioned the



1 collision of the ships carrying explosives are you referring
2 to the North Coaster?

3 THE WITNESS: I didn't mean either one of
4 these ships were carrying explosives at the time. I
5 meant the North Coaster and the Gertrude de Costa.

6 MR. LANGLOIS: After the war.

7 MR. ANDERSON: Captain Crook, is it true
8 to say that there have been a number of collisions within
9 the last number of years where there have been pilots on
10 board?

11 THE WITNESS: Where there have been pilots
12 on board?

13 MR. ANDERSON: Either one or both of the
14 vessels?

15 THE WITNESS: I can think of only one, and
16 only one vessel had a pilot.

17 MR. ANDERSON: You can't say there have
18 not been a number of collisions where there have been
19 pilots on board?

20 THE WITNESS: I was surprised, looking
21 at the record yesterday that there was a collision between
22 one of the Saguenay boats down here. My interpretation
23 of the records, just looking at these figures, one ship
24 brushed by another. Apparently one ship was tied up to
25 berth and another ship berthing ahead of behind or leaving
26 berth brushed her.

27 Q. You agree there have been collisions with
28 pilots on board?

29 Q. Yes, but I think in many instances just
30 one pilot was involved. I am not thinking of one particular



1 pilot but during a collision, one pilot on one ship.

2 THE CHAIRMAN: You are finished, Mr. Anderson?

3 THE WITNESS: My lord, I had a question
4 directed to me this morning. I just don't recall who,
5 about self-employment. We are considered self-employed
6 by our own Department. I think that came from the Income
7 Tax Department to our Department to us. It is a departmental
8 ruling.

9 THE CHAIRMAN: Although they insist that
10 you have a T-4 and it is deducted from your pay. They are
11 inconsistent there. That is all right, you may carry on.

12
13 CROSS-EXAMINATION BY MR. JACQUES:

14 Q. You made several statements yesterday
15 concerning the brief and you always prefaced your answers
16 thus: "Personally I am of the opinion that". You repeated
17 that several times. What I would like to know for the
18 record is whether what you have said yesterday in your
19 evidence represented the opinion of the pilots in general
20 or strictly your own?

21 A. I did that intentionally, sir, because we
22 all have different opinions and I am quite sure there
23 are a good many of us have the same belief for and against.
24 That is why I intentionally answered the questions that
25 way.

26 Q Would it be fair to say then that your
27 opinion or the opinion which you expressed yesterday would
28 represent the opinion of the majority of the pilots or
29 a great number of pilots in Halifax?

30 A. I think that is correct, Mr. Jacques. It



1 would represent a good number.

2 THE CHAIRMAN: Would you go further in the
3 question and ask is it also the opinion of the Pilots'
4 Committee?

5 MR. JACQUES: I was coming to that point,
6 sir.

7 Q. Now, this brief which was filed as Exhibit
8 338 --

9 THE CHAIRMAN: 358.

10 MR. JACQUES: 358, yes, my lord, filed by
11 the Pilots' Committee, that is so?

12 Q. Did the Pilots' Committee itself prepare
13 the brief?

14 A. No sir.

15 Q. When it was prepared and drafted in its
16 actual text was it agreed upon by the Pilots' Committee?

17 A Yes, it was discussed in draft form at
18 a pilots' meeting and it was agreeable to the pilots
19 present.

20 Q. To --

21 A. To the pilots present.

22 Q. But was it agreeable to the Pilots'
23 Committee?

24 A. Oh yes.

25 Q. To the three members of the Committee?

26 A Yes.

27 Q It was agreeable to them?

28 A. Yes. We signed it.

29 Q. You said that it was discussed in draft
30 form by the pilots present. Would you recall how many



1 pilots were present at that time?

2 A No. I think the records will show that
3 though, Mr. Jacques. I believe our minute book will show
4 how many were present.

5 The normal thing is to post a notice. One of
6 the Committee posts a notice in the Despatch Room usually
7 up over our rate book and it's there for anybody to see,
8 and the time of the notice varies. It may be a day. It
9 may be two days. It may be a week. That would be abnormal,
10 a week.

11 Q So the notice was posted and it was dis-
12 cussed with whoever was there?

13 A. That is right.

14 Q Now sir I am instructed that on some
15 aspects of your working condition, there is a major
16 difference among pilots here. Pilots are divided into
17 two groups. Would you have any knowledge of that?

18 A. Much to my regrets, I believe that is quite
19 true. This correspondence has caused that.

20 Q. Now would you explain what this major --
21 perhaps I should not say major -- what these differences
22 are, to the best of your knowledge and to the best of
23 your recollection?

24 A. Mr. Jacques, this is a problem that has
25 been facing me for some time. I am very sorry and very
26 disturbed that this happened. I know the reason. I can
27 understand the reasons of others who do not agree with
28 me. They are, I feel, legitimate but there is a difference
29 there. Now I am speaking again from my own personal
30 opinion. It has been caused by these last few letters



1 in the spring of this year from the Department concerning
2 prevailing rate employment.

3 Q. Is that the only ground? Is that the only
4 difference between the two groups this matter of becoming
5 civil servants or prevailing rate employees?

6 A. I cannot recall any other.

7 Q. To the best of your knowledge this is
8 the only difference among the pilots at the moment?

9 A. I cannot recall any other reason.

10 Q. To the best of your knowledge again --

11 A Excuse me, it just depends on how much
12 this difference means. We are still working together.
13 We are still co-operating. We are friendly. It's just
14 that some of us would like to do one thing and some would
15 like to do another.

16 Q. I can quite understand that. I am not
17 blaming you for having differences because if the world
18 was all of one mind, it would be a different world.

19 THE CHAIRMAN: We are in a free country.

20 MR. JACQUES: Yes, we are in a free
21 country. If I may be permitted, I thought this might be a
22 reason why pilots do not have collisions. They are a
23 divided body and when they see each other on a ship,
24 they just keep clear.

25 Q. Coming back to serious matters, I think
26 that the Commission realizes that pilots continue to work
27 in harmony, although they are divided on some questions.
28 Was your present brief, Exhibit 358, submitted for comments
29 and consideration to all the pilots before it was
30 drafted in its final form? Was it merely discussed at



1 that meeting which you mentioned a while ago?

2 A. Oh no, it was discussed at the meeting.
3 It was not submitted to everybody in draft form. From my
4 memory, I believe we had three copies of the rough draft
5 and this we discussed in our meeting room.

6 Q Now again, to the best of your knowledge,
7 did any pilot or group of pilots suggest to the Committee
8 that different views on major problems be included in
9 your brief?

10 A. There could be minor things. My memory
11 was freshened just in the last recess about this Departmental
12 ruling on self-employment, but I am not aware of any major
13 item. I feel the whole cause of any difference of opinion
14 might be included on Page 18 in Section F, income, welfare,
15 pension arrangements.

16 There is a big problem there and this section
17 was deliberately kept fairly general.

18 Q Why?

19 A. So the Commission would get both sides
20 of the story under testimony.

21 Q. Now sir you mentioned various shoals at
22 the entrance of Halifax, rocks, Lichfield, Neverfail,
23 Mars. What is the current like in that area?

24 A. In the entrance to the harbour?

25 Q. Yes?

26 A. I have had this question asked of me on
27 numerous occasions by masters and my answer to them is
28 not too effective. It is nothing to be really concerned
29 about. There is at times a heavy set along the coast
30 just off shore and we have ships experiencing this all the



1 time and masters ask me why. I had a ship last week
2 normally a 15 knot ship. I think coming down the coast
3 he averaged over 18 knots. He couldn't understand it but
4 in the immediate approaches the current is not something
5 that would cause undue concern.

6 Q. What would be its velocity? How many
7 knots?

8 A. It would not be a knot.

9 Q. And its direction would be parallel to the
10 coast or off shore?

11 A. I think it is pretty well governed by
12 up and down the harbour, the ebb and flow of the tidal
13 current.

14 Q. To the best of your knowledge in the vicinity
15 of Mars Rock, Lichfield and Neverfail there would be no
16 on-shore current which would cause ships to drift ashore?

17 A. Very slight effect of the tide there.

18 Q. Would it be fair to say the current at
19 the entrance of the harbour is not a major problem for
20 a navigator?

21 A. That is what I have endeavoured to point
22 out.

23 Q. What about these shoals and rocks at the
24 entrance, to the best of your knowledge has there been
25 any grounding on any of these?

26 A. Yes.

27 Q. Would you recall the last one?

28 A. I cannot recall any since, I think it
29 was the Irving Book on Lichfield Shoal.

30 Q. How many years ago was that?



1 A. It is several years ago.

2 Q. Do you recall if there was a pilot aboard?

3 A. No.

4 Q. No you don't recall or no there wasn't?

5 A She had discharged her pilot and was
6 proceeding outwards. This again was an instance of a
7 master who was -- I am speaking of my own opinion now --
8 this was a master who was familiar with the port. He dis-
9 charged his pilot slightly inside and I don't know what
10 caused it but the ship did go aground and the weather
11 was clear.

12 Q. Steaming up the harbour, as you come in,
13 would there be any current that you would experience?

14 A. You could see it beside the buoys. There
15 is a wake from each buoy that is moored in the harbour.

16 Q. With the ebb and flow?

17 A. Yes, there is a little current, a little
18 tidal current.

19 Q. Which occurs with the ebb and flow?

20 A. That is right.

21 Q. What would be its rate?

22 A. Small. Possibly, in confined areas it
23 might run -- I wouldn't know but I would say that it would
24 be less than a knot.

25 Q. It would not be a major factor in handling
26 ships?

27 A. No, not a major factor.

28 Q. When you go alongside the various berths
29 here in Halifax, is there anyone where the manoeuver is
30 made difficult because of current?



1 A. Yes.

2 Q. Which one?

3 A. Any of the basins.

4 Q. What do you mean by basins?

5 A. Starting at the south end, Pier 36, 37,
6 34 and 33. are the berths enclosed between Pier A, A1 and
7 Pier B, and again between Pier 2 and 3.

8 Q. Why would they be made more difficult of
9 access? Because of current?

10 A. Well you have a very narrow entrance,
11 in the vicinity of 300 feet, 325, 350 feet and the ships
12 are large, and as I said in my previous testimony, wind
13 and tide combined can make a very appreciable effect on
14 ship handling, entering and leaving these basins.

15 Q. Would half a knot current be a major
16 factor in entering one of these berths?

17 A. I am sorry Mr. Jacques but when I said,
18 when I mentioned that figure I was thinking out in the
19 harbour. There are no figures tabulated, but I think at
20 times there is quite an appreciable tidal effect across
21 the corners of these piers, across the end of these piers.

22 Q. That would be inside the harbour?

23 A. Inside the harbour, in the docking area.

24 Q. How much of a tide would you have here?
25 What is the range?

26 A. Our maximum spring tides I think would be --
27 it would be safe in saying about seven plus feet, slightly
28 over seven feet, the maximum spring tide high water.

29 Q. And what would be the neap tide?

30 A. You can go below datum but I don't recall



1 too many of these instances.

2 Q. Can you tell us the range of slack water
3 in Halifax, high or low?

4 A. This has been confusing to me. I have
5 noticed at times that the ship is set, we have the current
6 running the wrong way in a good many places in the
7 harbour. If you would like an example, I am thinking of
8 the Gypsum pier.

9 Q. In Bedford Basin?

10 A. In Bedford Basin. It is awkward to tell
11 on a large ship just how much she is influenced by tide
12 but one day the pilot boat was picking me up from the
13 Gypsum pier, and he went in alongside the Gypsum wharf ahead
14 of the ship and at that time the tide was flood and yet
15 we could hardly keep the pilot boat out from underneath
16 the Gypsum pier as she was going against the tide. It
17 was quite difficult on the inside end of that wharf, the
18 stream was running opposite to the ebb.

19 Q. Have you noted that quite frequently at
20 the Gypsum pier?

21 A. This is my only experience with the small
22 boat there and she was definitely under the influence
23 of the tide.

24 Q. What about the other berths in Halifax?
25 Would there be a similar occurrence?

26 A. The tide and winds combined may vary.
27 Also the condition of the ship at the time, if she is
28 light or loaded condition. If you were entering one
29 of the grain berths with a light ship and had a southerly
30 wind well, you would normally ignore the tide and watch



1 the wind.

2 Q. When you do dock at these places are you
3 assisted by tug boats?

4 A. I would say usually.

5 Q Is it very frequent that you are not
6 assisted?

7 A. No. It is the exception rather than the
8 rule. There are occasions you may dock without tugs but
9 they are exceptional.

10 Q. Do you know the reason for these exceptions?

11 A. Some lines are reluctant to use tugs.
12 I imagine it is the expense involved. I know in some
13 instances I have had quite a discussion with the master
14 about tugs. He doesn't want tugs. Probably I do. We have
15 lots of instances where one tug has been ordered for
16 the ship and the pilot has advised the master that one
17 tug was not adequate.

18 Q. Would the size of the ship have anything
19 to do with it?

20 A. With the use of tugs?

21 Q. Yes?

22 A. Yes

23 Q. It would?

24 A. Yes.

25 Q. In your experience what would be the limit
26 in tonnage that you would handle, or that you would
27 recommend handling without tugs?

28 A. Mr. Jacques I do not think any competent
29 pilot would make any such a recommendation because there
30 are so many factors involved, and at times it is necessary



1 to get tow boat assistance on very small ships.

2 Now we have a confusing figure we work with here
3 in Halifax. It is net tonnage and it is a problem -- that
4 is on our rates, incidentally, but we get very large
5 ships coming here now with very small net tonnage.

6 Q. Yes, we have heard about that.

7 A. If I were to say tonnage, there would be
8 another confusing factor.

9 Q. All right then I leave it up to you, would
10 it be let us say length or have you a limit set down for
11 small coastal vessels or would you limit it to tankers
12 or vessels with very little superstructure?

13 A. I would hesitate to make any limitation
14 because of this: when you call for a tug, for an extra
15 tug by whistle, the tugs are usually available. They are
16 not always ordered. If you and the master consider it
17 is not necessary to use tugs, and there is no order for
18 them, you wouldn't call them. However, quite often there
19 are no tugs ordered and you call them with the ship's
20 whistle so this is something that doesn't have to be
21 arranged beforehand.

22 Q. So it depends upon the condition with
23 which you are faced on a particular ship whether you use
24 a tug or not?

25 A. That is perfectly right sir.

26 Q. Now you mentioned a swell in the harbour -

27 THE CHAIRMAN: Before you change the
28 subject there. I understand that the agent or the ship
29 owner would abide by your request for a tug and pay for
30 it, of course? Pay the bill because they are the ones



1 generally calling for the tugs?

2 THE WITNESS: I believe the agents usually order
3 the tugs under normal conditions they do. Quite often
4 the agents when they put the order in for the ship will
5 ask the despatcher for the pilot involved, and ask him how
6 many tugs he thinks he will need.

7 There has never been any real problem that way.

8 THE CHAIRMAN: There is no question of
9 paying the bill, and so on, by the agent?

10 THE WITNESS: Not to my knowledge my
11 lord. I think the agents and the ship owners -- of course,
12 the master is the final authority and if he considers
13 tugs are necessary --

14 THE CHAIRMAN: You have answered it, thank
15 you.

16 Q. Now what about swell. I understand that
17 a swell in the harbour may be dangerous for vessels
18 alongside. That was explained in your evidence, but would
19 it affect your work to a great extent in taking ships in
20 and out of Halifax?

21 A. In and out of the broad harbour?

22 Q. Yes?

23 A. No.

24 Q. How much water is there at the lowest
25 point in the harbour here where you handle the majority
26 of your ships?

27 A. In the main anchorage we have 10, 12
28 fathoms.

29 Q. And at the entrance?

30 A. The entrance 20 fathoms, 18 fathoms, apart



1 from shoals. It varies.

2 Q. Would it be fair to say the depth of water
3 is not a major problem in your job in Halifax?

4 A. No. Halifax Harbour will handle any ships.

5 Q. Even large ships?

6 A. We have regular callers, 50,000 ton ships,
7 and there is no problem. They draw 42 feet of water
8 normally.

9 Q. What about the wind. You mentioned a
10 figure in your brief, Exhibit B, the last page in fact
11 of your brief. You give the number of days, winds 16
12 knots or over. I would like you to tell the Commission
13 what effect a wind of 16 knots would have on your job here
14 entering and leaving the harbour?

15 A. Sir when I asked for this information,
16 I realized this problem. 16 knots is a good brisk
17 breeze and it has a considerable effect on a light ship.
18 It makes an appreciable difference to the difficulty
19 of the job, docking and undocking and I realized that
20 at times there are winds which are in excess of this, but
21 I felt that possibly 16 knots would be a good cut-off
22 period.

23 With that wind a ship is being considerably
24 influenced by drift caused by this.

25 Q. Would your tugs, when they come alongside
26 of a ship in a 16 knot wind, would your tugs be able to
27 control your ship?

28 A. There again there are variables. You
29 are governed there -- this is a question that is quite
30 often asked the pilot by a ship's master. If I may command



1 your indulgence, quite often a ship's master asks me, when
2 we are coming in the harbour, how do you propose to berth,
3 and I will tell him starboard to, if that is right, and he
4 said no, I mean how do you mean to approach the dock
5 and I will say Captain this is what I hope to do but there
6 may be several things that may make this impossible. We
7 will play this by ear. We will exercise every precaution
8 and we will alter our procedure as required, keeping in
9 mind that any fixed plan might be impossible when you
10 are actually underway because all ships answer their
11 helm and engine orders differently, and the tugs operate --
12 sometimes you get a greater or lesser influence. If you
13 say 20 revs, you might get a good bit more or a good bit
14 less influence.

15 Q. Yes, but surely you are able to tell us
16 whether or not with a 16 knot wind you would expect your
17 ship to back against the dock, even though you have tugs
18 or run aground or break away from you?

19 A. I will speak now of the Gypsum pier. With
20 a 16 knot wind and 2 good tugs, I would certainly use
21 an anchor.

22 Q. You would use an anchor?

23 A. I would certainly use an anchor trying to
24 berth there with that wind, on the beam. It depends on
25 what direction the wind is going to affect you.

26 Q. So your tugs going alongside that particular
27 pier with a 16 knot wind would not be sufficient for you
28 to handle the ship?

29 A. In some cases yes.

30 Q. Beam ways?



1 A. In some cases yes, in some cases no.

2 I am thinking now if you were going alongside with the wind
3 off the dock, there is a decided difference with a 16
4 knot wind. You have the tugs pushing you then. Your
5 problem is to work against the wind, and the wind is
6 holding you away from your danger but when the wind
7 is forcing you on in a dangerous position, there is where
8 the real difficulty arises. I am sorry I took so long.

9 Q. Your last answer was exactly what I wanted.
10 You would use your anchor going alongside to prevent your
11 ship from dropping down on danger if the wind pushes you
12 towards the danger and your tugs would not be sufficient
13 to hold you then. Is that correct?

14 A. Yes, that is correct.

15 Q. If you are blown off the dock, then your
16 tugs might be sufficient to place you alongside, to hold
17 you alongside while you are making the lines fast,

18 A. That is right, but Mr. Jacques we all have
19 our own ways of doing things. My immediate partner
20 might do it entirely differently. My policy is when I
21 am on say one of these active motor ships in a fairly
22 light condition, and even no wind, with tugs, I will
23 still use an anchor because I have that insurance that
24 the anchor is on the bottom and it retards my progress
25 and I can use my engines more violently than if the ship
26 is just in the water with no anchor to retard her.

27 These ships I am thinking of are very active
28 ships and it is possible that she could get away from
29 you with more engine than you wished.

30 Q. In docking ships here in Halifax the



1 pilot or master would have to have knowledge of the effect
2 of currents say at the Gypsum pier which you have mentioned.
3 Is that correct, to do a safe job?

4 A. I would feel very much more confident.
5 We may all do things at many times and get away with it,
6 but there are times, there is a day of reckoning, and when
7 there is an accident to a ship I feel it is a serious
8 thing, serious loss of money, and loss of money due to
9 lost time.

10 Q. Perhaps you didn't understand my question.
11 To bring the ship alongside the Gypsum pier at Bedford
12 Basin would require local knowledge, would it not?

13 A. I can foresee many problems if local
14 knowledge weren't employed.

15 Q. Thank you. This local knowledge, how can
16 it be gained?

17 A. I went to sea a good many years in and out
18 of Halifax Harbour and I have been here now since 1952
19 and there are a good many times even yet when I consider
20 that I am just learning. I don't think there is any pilot
21 anywheres that is not in the same position. It is gained
22 through experience.

23 Q. Through experience. Local knowledge is
24 gained through experience, is gained where?

25 A. Here in Halifax Harbour.

26 Q. Now we are getting somewhere. Apart from
27 this particular pier do you know of any others in Halifax
28 which would present difficulties in going alongside or
29 coming off at any time?

30 A. Mooring and unmooring a vessel at any time



1 is an operation that requires considerable caution, at any
2 time, under any conditions. I have heard a good many of
3 our fellows, our men, say that it is the fine weather when
4 you have trouble.

5 Q. I realize that, Captain, and I think your
6 statements applies to going alongside anywhere in the world
7 at any time. I am strictly limiting myself to going along-
8 side Halifax docks?

9 A. Yes, we have the same problems.

10 Q. Would you outline some of these problems
11 for us?

12 A. I have mentioned all ready our basin berths,
13 Piers 33, 34, 35 and 36, Piers 30, 31, 27, 28, 23, 24,
14 25, 26, Pier 2 north, Pier 3 south - these are all very
15 narrow basins and at times you have very little room to
16 manoeuvre.

17 COMMISSIONER SMITH: Pier 9 at the Narrows,
18 what about that?

19 THE WITNESS: Pier 9 has a different con-
20 dition, sir. There you do get a large influence from the
21 tide, but you have just one side of the berths involved
22 with ships. I am thinking about these other piers. We
23 often have these piers all full at the same time then your
24 working space is very limited. Pier 9 is just a wall.

25 MR. JACQUES: In order to manoeuvre in and
26 out of the finger piers you have just mentioned a man
27 would have to have particular training?

28 A. We get that.

29 Q. You get that, but that is required to man-
30 oeuvre safely out of these basins?



1 A. I certainly agree with that statement.

2 Q. What about Piers 21, 22 and 23, behind the
3 railroad station, would they present any particular
4 difficulties?

5 A. All of these berths at odd times, anyways.
6 The thing that bothers me, I seem to be criticising Halifax
7 Harbour. Wind to seawall is a problem. Also in wind
8 conditions you have tugs, and you have to be careful that
9 you keep your tugs. By this I mean it is very easy for
10 a towboat to break a line and if this were to happen you
11 are in serious trouble if you are attempting to move a
12 ship away from the dock or on to a dock. She may fall back
13 on the dock and have her propellers fouled and be out of
14 condition.

15 Q. This is a danger which is ever present
16 in any part of the world, any ships that are brought along-
17 side. Is there any danger peculiar, and I shouldn't say
18 danger, any difficulty peculiar to Halifax over and above
19 the normal difficulties to be expected in handling ships?

20 A. I am not aware of any major difficulties.
21 Every harbour has its peculiarities, and if you were to
22 make a comparison with Montreal, and I have had considerable
23 experience in Montreal, Saint John, Boston and all these
24 ports, have their peculiarities, and I don't know if one
25 is any greater than the other.

26 We know Saint John, New Brunswick, has a very
27 heavy tidal current, but everyone of these ports have their
28 personal, if I can use that term, problems.

29 Q. Yes, I agree with you, in some places the
30 dangers are different. On the other hand there are dangers



1 which are common to all harbours, which are common in
2 handling ships and are always ever present and always the
3 same throughout the world. These I think the Commission
4 is well aware of. What our particular interest now is is
5 the peculiar difficulties in Halifax which make the use
6 of pilots necessary, not only the use of pilots to bring
7 the ship inside the harbour, but also the use of a man
8 with local knowledge and training to place the ship alongside
9 the dock. You have enumerated the finger piers and the
10 Gypsum wharf and Pier 9. Apparently there is not too many
11 difficulties, and Piers 21, 22 and 23. I don't think there
12 are any, but please correct me if I am wrong?

13 A. I am confused about this. I am sorry
14 I am being so dense. All of these piers have their prob-
15 lems, but these problems are caused by the weather. That
16 is one of the reasons why this information was entered
17 into the brief.

18 Q. Which one are you referring to?

19 A. Wind and fog.

20 Q. What would be the general direction of
21 wind in Halifax Harbour?

22 THE CHAIRMAN: If you are changing the
23 subject perhaps we could adjourn.

24 MR. JACQUES: I would like to get this
25 answer.

26 THE WITNESS: We have very strong north-
27 westerly winds and we have very strong south-easterly,
28 easterly and southerly wind. They are the winds that,
29 depending on which part of the harbour you are berthing
30 in, that I think statistics will show that blow the strongest.



1 MR. JACQUES: And the prevailing winds
2 among all these that you have listed would be which?

3 A. Depending on the season of the year, I think
4 probably off shore winds at this time of year would be
5 northerly ones with occasional south-east storms.

6 MR. JACQUES: Thank you, sir.

7 THE CHAIRMAN: We will adjourn now to 2:30.

8
9 ---Whereupon the hearing adjourned to 2:30 P.M.
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1 ---Upon resuming:

2 Q. Sir, I understand that several large
3 passenger ships call at Halifax during the winter; is that
4 correct?

5 A. Oh, yes.

6 Q. Where would these large passenger ships
7 dock here at Halifax?

8 A. At the Immigration Piers.

9 Q. Which are they?

10 A. 21 and 22 normally. 21 is the normal
11 berth, a single ship.

12 Q. Now, sir, Eastern Passage has developed
13 tremendously during the past few years apart from the Imperial
14 Oil dock which has been there all the time. There is
15 the dock for the aircraft carriers at Shearwater and also
16 the Texaco dock; is that correct?

17 A. That is right.

18 Q. Do you take very many ships to the Texaco
19 dock?

20 A. I have had several.

21 Q. Roughly how many last year were taken there?

22 A. Excuse me, I am answering personally. The
23 records would show, Mr. Jacques. I don't have the informa-
24 tion. There might be something around 30, 20 to 30, I
25 would think probably. I don't know.

26 Q. So the area is now more frequented by
27 traffic, the Eastern Passage?

28 A. Yes.

29 Q. Is there any particular difficulty in
30 going into Eastern Passage and out, and docking in this



1 area?

2 A. No.

3 Q. Nothing peculiar?

4 A. No.

5 Q. What about currents there, would current
6 run stronger than anywhere else in the harbour?

7 A. I think slightly.

8 Q. Slightly stronger?

9 A. That has been my experience.

10 Q. Now, do the pilots, pilot foreign Naval
11 ships into and out of the harbour quite often?

12 A. I would say normally.

13 Q. Normally these ships take pilots. When you
14 dock at the R.C.N. docks or Her Majesty's dock yards do
15 you do the docking or do you turn the ship over to the
16 Docking Master, the Queen's Harbour Master?

17 A. I have always done the docking.

18 Q. You have. To the best of your knowledge
19 does it happen that a foreign Naval ship was turned over
20 to the Docking Master at the dock yard?

21 A. A ship without a pilot?

22 Q. With a pilot?

23 A. With a pilot. I have never known them to
24 have a Docking Master.

25 Q. Now, sir, I would like to know, and this
26 is a question of opinion, it can be your own opinion if
27 you wish to limit it to your opinion: could the harbour
28 operations in Halifax be stopped or affected in any way
29 if there were a sinking or grounding in the harbour?

30 A. Yes.



1 Q. It could. Will you explain that, please?

2 A. If there happened to be an accident with
3 a petroleum products carrier you could have the harbour
4 on fire. It isn't impossible.

5 Q. No, it isn't impossible, I agree. Apart
6 from that peculiar type of accident if one vessel or two
7 vessels, say, were to collide and sink in the harbour would
8 that stop traffic in the harbour?

9 COMMISSIONER SMITH: In the Narrows?

10 THE WITNESS: In the Narrows it could. In
11 the main harbour I would think there would be room enough
12 to get around.

13 Q. In the main harbour there would be room
14 to get around, this wouldn't stop traffic in the main
15 harbour?

16 A. I couldn't foresee anything of that magnitude.

17 Q. If two were sunk it wouldn't stop traffic?

18 A. I wouldn't think so.

19 Q. If any vessel were to ground or sink at
20 the entrance of Halifax Harbour would it stop traffic or
21 would it impede traffic?

22 A. It certainly wouldn't stop traffic. It
23 might divert it another way. If you would call diversion an
24 impedimentation it could do. I think the proper answer
25 would be no.

26 Q. The harbour operations could be carried
27 on just the same?

28 A. I feel so.

29 Q. Now, sir, is traffic in Halifax harbour
30 at any time such that the traffic itself is a major problem



1 or a danger twithin the harbour at the entrance or at the
2 Narrows?

3 A. That question is so relative I am not
4 too certain how to answer it. With two ships anywhere
5 there is an element...

6 Q. May I explain my question. Is there at
7 any time so many ships moving within the harbour, the
8 entrance or the Narrows, that the mere fact of the number
9 of ships moving in those areas would create a hazard?

10 A. Yes.

11 Q. It would?

12 A. Yes.

13 Q. Are you able to say why such a thing would
14 occur, at what times of the year?

15 A. At any time.

16 Q. There could be that many ships there
17 to cause a hazard merely by traffic?

18 A. In through Bedford Basin only two ships
19 need to be involved.

20 Q. And at the entrance?

21 A. No.

22 Q. In the harbour?

23 A. You could have anchorages very congested.
24 It happens.

25 Q. What about between George's Island and
26 Halifax?

27 A. Yes, I have been involved with three ships
28 underway at the same time, two ships under way and one
29 at the dock. That was bad enough. I don't want to see
30 it happen again.



1 Q. Now, is there here in Halifax an Authority
2 or an office or anything of the kind which keeps track of
3 all moving ships in the harbour where someone would be able
4 to phone and obtain the number of ships moving in the
5 harbour, their direction and where they came from and where
6 they are going?

7 A. I don't think this information is in any
8 one particular spot.

9 Q. Do you think if it were that it would give
10 you a greater safety margin?

11 A. Yes, but I am not recommending such a thing
12 be established.

13 Q. Why?

14 A. It is available now through a few telephone
15 calls, most of it. I am thinking of the dock yard, the
16 National Harbours Board and the Imperial Oil docks. With
17 a few phone calls you could find just about anything that
18 is moving with the exception of possibly -- there would
19 be the odd discrepancy. You could get that information
20 very quickly.

21 Q. In the course of your duties do you seek
22 such information if the visibility is low?

23 A. No.

24 Q. Why not?

25 A. We do from one source, not from all.

26 Q. Not from all. About these Naval ships
27 that sail in and out of the harbour, do you normally know
28 when they are moving in and out of the harbour?

29 A. Yes.

30 Q. Is that information available to you, say,



1 before you go out with the pilot boat to meet an incoming
2 ship?

3 A. Yes, but it isn't-- it is public information.
4 You see them or hear them or know it has been in the papers
5 that the fleet is coming back on a certain day, that sort
6 of thing.

7 Q. That is how you would know?

8 A. That is right, unless there was some
9 dangerous cargo and if there was dangerous cargo the dock-
10 yard would certainly notify our office.

11 Q. They would notify you?

12 A. Oh, yes.

13 Q. But only if it was dangerous traffic?

14 A. That is right.

15 Q. They wouldn't notify you if the minesweeper
16 squadron were going out?

17 A. Any minesweeper operations we would definitely
18 be notified if they were operating in our district.

19 Q. Not just going out?

20 A. No, I wouldn't think so.

21 Q. Do you think that it would again give
22 you a greater safety margin if you were advised of these
23 movements before they took place?

24 A. It could be, but I have the utmost
25 confidence in our Naval craft. I feel they are very well
26 and carefully handled. I have never had any reason to
27 think that they have made any danger through some action
28 of their own.

29 Q. I didn't wish to imply that the Canadian
30 Naval ships are not manned by competent officers. My



1 thought was if you were coming in with a large passenger
2 ship or a deep draught tanker you might feel easier if
3 you knew or were sure whether you would have a host of
4 minesweepers bearing down on you all of a sudden?

5 A. Yes.

6 Q. What about ferries here in the harbour?
7 Do they observe the international rules of the road?

8 A. Yes.

9 Q. Are there any local rules made as regards
10 these ferries?

11 A. There were such established during the
12 war. However, I wasn't active then.

13 Q. Since you have been a pilot there are
14 no local rules applicable to the ferries?

15 A. No.

16 Q. Sir, as regard your security watches
17 you are getting detention pay, I believe you said. Don't
18 you think that this is a very peculiar type of work
19 which can in no way be considered detention?

20 A. Yes.

21 Q. Has any thought ever been given to amending
22 the by-laws in order to provide an adequate charge for
23 this service?

24 A. Yes.

25 Q. When did that happen?

26 A. I don't think there was ever any formal
27 action taken of any kind.

28 Q. I asked your supervisor if the fees
29 obtained from this particular type of work were included
30 in the detention charges as shown in the statement, the



1 return for 1962, and he said yes. This amount wasn't
2 very great. I think it was \$286 or \$264. Does that
3 mean that security watches are not requested often?

4 A. That is right.

5 Q. Last year, if you are able to answer the
6 question, how many times would you say that security
7 watches were requested by ships here, roughly, mini you?

8 A. I really don't know, sir. The only thing
9 I could say is in my experience in ten years I don't
10 think I have stood security more than possibly 20 times
11 at the maximum.

12 Q. Are you ever requested to proceed outside
13 your limits, your district limits?

14 A. Yes.

15 Q. When does that happen?

16 A. Occasionally on engine trials, on new
17 vessels. Usually these are Naval crafts, Canadian Naval
18 crafts before they are commissioned, when they are still
19 in the builders' hands.

20 Q. For that service a charge for trial trips
21 is made, is it not?

22 A. Yes, and I believe occasionally it might
23 by agreement be charged detention or something like that.
24 This is usually agreed, that there will be something.
25 I am not too sure how the charges are made on that
26 particular job.

27 Q. What I wanted to know, if I look at the
28 annual returns I would know exactly how many of these
29 trial trips you have made?

30 A. With detentions being charged?



1 Q. Not with detentions. In other words there
2 are no trial trips which are not paid through the pilotage
3 office.

4 A. That is right.

5 Q. Are you ever requested by any ships which
6 you are piloting outwards to go beyond your limit?

7 A. No.

8 Q. Never. Are you ever requested to meet
9 a ship outside your limits?

10 A. Yes.

11 Q. When does that happen?

12 A. Sometimes we have ships arriving with
13 no large scale charts. They might not have any charts
14 other than the large North Atlantic chart.

15 Q. Would that be very frequent?

16 A. Not too frequently. It is the exception.
17 Also, at times, we have ships coming in in fog and bad
18 weather and it may be necessary to go out a mile or two
19 miles to board.

20 Q. How many times would you say it happened
21 last year?

22 A. Any answer I would give you, Mr. Jacques,
23 would be purely guesswork.

24 Q. Your guess would be better than mine.

25 A. I would say in foggy weather it may be
26 around twice a week.

27 Q. Do you think that if a shore based
28 radar were installed here, that it would be possible to
29 cut down piloting time?

30 A. We have that now.



1 Q. A shore based radar?

2 A. Yes.

3 Q. Where is it?

4 A. At Camperdown.

5 Q. And it directs ships in?

6 A. It is there for -- it is established
7 there. We get ships' bearings from it. I don't know
8 how many ships would trust it entering the port.

9 Q. Radar?

10 A. Yes.

11 Q. How long has it been there?

12 A. It has been a long time since I have used
13 it; for a good many years. There was some consideration
14 given to discontinuing it but I believe they have new
15 equipment now. Their old equipment had deteriorated.
16 I believe they have replaced the equipment. I believe
17 it is still in operation. I haven't used it recently.

18 Q. To the best of your knowledge would the
19 other pilots use it? Is it possible to use it if it is
20 at Camperdown, for any length of time within your
21 district? Perhaps you may point out where Camperdown
22 is on the chart, for the benefit of the Commission. Also
23 outline the area which would be covered by the Camperdown
24 radar as shown in green on chart 4311, Exhibit 334.

25 To the best of your knowledge would the radar at
26 Camperdown cover the entrance to Halifax Harbour as far
27 as McNab's Island say?

28 A. I am not sure Mr. Jacques. I have never
29 seen this station, the inside of this station. Occasionally
30 I know you would ask Camperdown if he could see a ship



1 coming. You are expecting a ship, and he might give you
2 a bearing and you might ask him to look in a certain
3 direction. He may reply well my set isn't calibrated
4 for that, or something like that. I think probably he
5 would give you bearings around in this section of the
6 harbour (indicating).

7 Q. Meaning in the vicinity of Neverfail
8 and Lichfield?

9 A. In the outer harbour I would think.

10 THE CHAIRMAN: This shore based radar would
11 come under whose authority?

12 THE WITNESS: D.O.T. Radio Division.

13 Q. The law provides that you are to carry
14 with you your licence, and also a copy of the tariff and
15 to exhibit same to the master of the vessel you are
16 piloting. Have you ever been requested to exhibit your
17 licence and your tariff?

18 A. No.

19 Q. The quarantine regulations have been
20 filed as Exhibit 91 in Vancouver. Section 70, sub-section
21 1 provides that every pilot who fails to provide a master
22 of a vessel with a copy of these regulations, in
23 accordance with section 7, is liable to a penalty not
24 exceeding \$50. Have you been carrying around these
25 quarantine regulations with you?

26 A. We used to.

27 Q. In practice what happened? Did you turn
28 them over to the master every time you went aboard a
29 ship?

30 A. That is right.



1 Q. Do you think that this practice is still
2 useful?

3 A. No.

4 Q. Now sir you mentioned that there were
5 shoals that were not charted in Halifax Harbour. I
6 would like you to indicate these uncharted shoals on
7 chart 4316, Exhibit 335 which is the chart of Halifax
8 Harbour. Would you indicate them with a blue circle?

9 A. They are charted, but unmarked.

10 Q. What do you mean by "unmarked"?

11 A. No ---

12 Q. --- no lights, no buoys, no beacons?

13 A. That is right.

14 Q. You have pointed out one?

15 A. And of course there is the spot here
16 (indicating).

17 Q. When you say "here" would you circle it
18 in blue? That is off Cunard Wharf isn't it?

19 A. Yes. Just pretty much off Pier 2.

20 Q. Would this spot off Pier 2 be a danger
21 to shipping, in view of the depth of water over it?

22 A. Not to the ships using that area now
23 but if large tankers started to go up there, drawing
24 over 40 feet of water, yes.

25 Q. It would be a danger?

26 A. Yes.

27 COMMISSIONER SMITH: What is the deepest
28 draught ship that can navigate there now?

29 THE WITNESS: There is 40 feet of water showing.

30 Q. Now, would you show the same information



1 on chart 4311, Exhibit 334, which is Egg Island to
2 Pennant Point? Perhaps it would be easier on Exhibit
3 359, which is chart 4385, Osborne Head to Betty Island.
4 How much water would there be over these two places
5 which you have circled in blue?

6 A. Seven fathoms, five feet on one. Six
7 fathoms, four feet on another.

8 Q. And this would also constitute a hazard
9 for deeply laden tankers, would they not?

10 A. Yes.

11 Q. Are you able to say whether the length
12 of time of your assignments, your jobs, has changed
13 since 1959 due to, say, a change in the speed of the
14 ships?

15 A. No.

16 Q. Now, would you further explain to me
17 why you would wish to come under the Superannuation
18 Act? Why not work out your own pension system?

19 A. I am already paying into a pension fund from
20 which I derive no benefits. I feel I would like to find
21 some way where I could derive benefits from this invest-
22 ment of mine over the years.

23 Q. If this investment, this money which you
24 have paid into the pension fund were remitted to you,
25 were refunded to you would you still ask to be placed
26 under the Superannuation Act?

27 A. Either one would be a solution. I would
28 say no, personally.

29 COMMISSIONER RENWICK: I understand from
30 Captain Crook that when this situation changed in 1952,



1 that he was rehabilitated as far as his investment in
2 the pension fund was concerned up to that time. In other
3 words, you had your funds returned?

4 THE WITNESS: Yes.

5 COMMISSIONER RENWICK: Just presupposing
6 tomorrow you resigned from the Pilotage Authority, would
7 that situation prevail? Would you be rehabilitated your
8 investment of 5% over the past 10 years?

9 THE WITNESS: There have been precedents set,
10 Mr. Commissioner, where pilots have been reimbursed, but
11 recently pilots have retired and every effort and advance
12 they had made to the Authority has been refused. There
13 have been pilots not retired but actually losing their
14 licence, for want of a better way of putting it. On the
15 request of the pilots they were refunded.

16 COMMISSIONER RENWICK: I was thinking of a
17 casualty whereby you may be incapacitated as a pilot.
18 Would this be open to you for a refund?

19 THE WITNESS: I have no reason to believe it
20 would, Mr. Commissioner. I would attempt it, but I have
21 no reason to believe that I would be successful.

22 THE CHAIRMAN: As far as the pilots who retire,
23 they were all entitled to pension though?

24 THE WITNESS: Yes.

25 THE CHAIRMAN: And they could not get a lump
26 sum in lieu of pension?

27 THE WITNESS: Yes.

28 Q. But in your case should you stop work
29 or change your status then you would not be entitled to
30 a pension you said? You say there would be no refund for



1 you and you are not entitled to a pension. You said that
2 before?

3 A. Yes.

4 THE CHAIRMAN: You would not be entitled to
5 a refund, of course.

6 THE WITNESS: I would attempt it my lord but
7 I am afraid I would not be successful.

8 Q. Now sir as regards the elections of
9 pilots to the Pilot Committee would you tell the
10 Commission how these elections are held and how the
11 candidates for the various functions are chosen?

12 A. It is a pretty democratic system. Some-
13 times everybody is eligible. In recent years some
14 men have indicated the desire not to be on the Committee
15 and have given notice to this effect. The ballots are
16 then made out by, I imagine, the Supervisor's office,
17 under his direction and include every pilot who has not
18 indicated that he would not serve on the Committee.
19 Everybody votes for three men.

20 Q. In your voting do you indicate that you
21 vote for so and so as Chairman and so and so for Secretary?

22 A. No. The Chairman has the greatest number
23 of votes.

24 Q. And what is the next?

25 A. Second and third. The three men with the
26 greatest number of votes serve as Chairman and Secretary,
27 et cetera.

28 Q. These are held every year?

29 A. That is right.

30 Q. Has your Committee adopted any rules or



1 regulations or by-laws at any time for the carrying on
2 of this business? For example, a rule which would state
3 that a meeting of all pilots would be called by notice
4 in writing, or mailed two days previous to the date upon
5 which the meeting is to be held?

6 A. That could have been the practice in the
7 past. I have never been aware of anything like that.

8 Q. As far as you know are there any such
9 rules or regulations or by-laws in your minute book or
10 anywhere else in the documents kept by the Committee?

11 A. They could be but they have never been
12 brought to my attention.

13 Q. Do you call meetings of pilots?

14 A. Yes. Any committee member can.

15 Q. How is the meeting called?

16 A. I believe I explained that this morning.
17 I explained that a notice is posted in the pilots'
18 office.

19 Q. That is all. Is there a quorum for any
20 of these meetings?

21 A. Not necessarily. If there is something
22 requiring a balloting, yes, there has to be a quorum.
23 Occasionally there may be as few as six or seven men.

24 Q. What would you consider a quorum?

25 A. 50%.

26 Q. And you also mentioned matters which
27 would need balloting. What matters would they be?

28 A. I didn't mean balloting. I mean voting.

29 Q. Well voting.

30 A. It might mean almost anything. We had a



1 meeting last fall whereby the group considered it was
2 necessary to send the Committee to Ottawa, two members of
3 the Committee. They voted on that because there was an
4 expenditure from the fund. When there is any money
5 involved, the normal procedure is there is a voting.

6 Q. Have you got a treasurer?

7 A. No.

8 Q. Who does the work of the treasurer?

9 A. We don't handle any funds.

10 Q. But you just mentioned that you voted
11 money to go to Ottawa. Who keeps track of this money?

12 A. The supervisor and his staff.

13 Q. They have said that they did not keep
14 track of the money. They said they paid the money and
15 didn't know what happened to it. I am not implying
16 that someone has run away with the money.

17 A. I don't know what they might have had
18 in mind Mr. Jacques.

19 Q. You were voted \$600 to go to Ottawa. You
20 did go to Ottawa. You did spend some money. Is there
21 any accounting rendered to anyone after a trip like that
22 for the money which has been voted?

23 A. No.

24 Q. There is none. This is a flat amount
25 which is given to the pilot?

26 A. That is right.

27 THE CHAIRMAN: There was some mention yesterday
28 that there was a reported reimbursement.

29 THE WITNESS: I think from memory, my lord, the
30 sum was \$291.



1 THE CHAIRMAN: That was returned?

2 THE WITNESS: Yes.

3 THE CHAIRMAN: Out of that \$600?

4 THE WITNESS: Yes.

5 Q. That was returned to whom?

6 A. The pilot office.

7 Q. To the pilot office?

8 A. That is right.

9 Q. And placed in the fund again?

10 A. That is right.

11 Q. And shared as the other moneys are

12 shared. Is that correct?

13 A. I am not certain in which fund it was
14 placed. I believe it was placed in the compassionate
15 fund that we have, that we contribute to monthly.

16 Q. Who keeps track of that?

17 THE CHAIRMAN: You have mentioned a compassionate
18 fund?

19 THE WITNESS: Yes.

20 THE CHAIRMAN: What is that?

21 THE WITNESS: My lord, we have a large group
22 of pensioners, and families and I imagine the practice
23 has crept into most offices that there are times when
24 gifts are required, when there are flowers required, and
25 that sort of thing, and each month we contribute a sum
26 of money to this fund.

27 THE CHAIRMAN: Equally?

28 THE WITNESS: That is right.

29 Q. Now, who keeps the accounts of this
30 fund?



1 A. Miss Marshall.

2 Q. And does she account for the moneys in
3 that fund to the pilots in general at any time?

4 A. Any cheques issued out of this fund must
5 be signed by two members of the Committee.

6 Q. So it is a separate bank account?

7 A. Yes.

8 THE CHAIRMAN: Are there other funds like that
9 besides that compassionate fund and the regular fund?

10 THE WITNESS: Not that I am aware of.

11 THE CHAIRMAN: Only the two funds.

12 Q. Captain Latter in his evidence stated
13 that he was ordered to discontinue the use of the form
14 called "Record of Pilots' Work Load" filed as Exhibit 352.
15 Would you have any knowledge of the reasons behind this
16 order?

17 A. Yes.

18 Q. Would you state them please?

19 A. It is a little involved. There was a
20 good deal of correspondence carried on over these records,
21 quite unsuccessfully. Finally last fall when the
22 Committee were in Ottawa, we had an interview with Mr.
23 Cunnym, our Director of Marine Regulations and he felt
24 that it was time to discontinue this because it gave a
25 wrong impression, wrong information. However, it was
26 continued past that period.

27 Q. What was that?

28 A. It was not discontinued immediately.
29 To my knowledge, I don't know this form. This is not
30 one of our forms.



1 Q. Do you think that the pilots, as a group,
2 have any objection to the Department of Transport keeping
3 track of their working hours?

4 A. No, if it is done in a just way.

5 Q. Have you suggested to the Department of
6 Transport any modification in this form?

7 A. Yes. Not modification of the form.
8 Modification of the way it is tabulated. I am not aware
9 of this form. I think this is probably the first time
10 I have seen it. It is the first time I have really
11 examined it, anyway.

12 Q. When did you make a suggestion to the
13 Department?

14 A. There were several letters, and then
15 last fall in Ottawa, and again last fall after that
16 here in Halifax this system was protested.

17 Q. But you said that you made suggestions.
18 I would like to know when you made the suggestions for
19 a new form or a new way of keeping track of your working
20 hours. Is that at the same time or later?

21 A. I have made this suggestion so often I
22 don't think I ever missed an opportunity my lord.

23 Q. So it is not a recent idea?

24 A. No.

25 THE CHAIRMAN: Well, could you tell us your
26 suggestion?

27 THE WITNESS: The system I explained this
28 morning, my lord, that the time that I am actually on the
29 bridge of a ship with the engines going, the ship under
30 way is certainly, in my opinion, no estimate of the time



1 that I am involved in piloting.

2 Also the time that I am on board the pilot
3 boat, going to or from a job is certainly not right either,
4 complete. I am on duty 24 hours a day actually, but I
5 keep my times that I mentioned that you have this morning
6 for two months. I consider I am on duty from the time
7 I become first on call until the time I have completed.

8 Now these times -- sometimes that is quite
9 a length of time. It may be all Sunday. It may be all
10 a week-end day, Sunday or Saturday, or something like
11 that. It may be all night, and that is why there may
12 be an instance where you will see 14 hours on a job, or
13 something like that.

14 THE CHAIRMAN: I see. This is another example
15 of the point of view of statistics. In your case, from
16 what I can see, you would like the statistics to be kept
17 as to the time each pilot is on duty. While I gather
18 from the form there, what really is sought is to find
19 out what is the work load, the work load done by a
20 pilot whether available or not.

21 For instance, there would be no work at all if
22 somebody is just on call but not employed. In your case,
23 in August you have the fifth and sixth, eighth and ninth
24 where you were available but were not called.

25 THE WITNESS: That is right, my lord.

26 THE CHAIRMAN: But in order to figure out I
27 suppose for the benefit of the Department of Transport
28 whether they are going to approve the replacement of
29 a pilot who retired, don't you agree this information
30 on the exhibit would be important?



1 THE WITNESS: Yes, my lord. In fact I said
2 that anybody other than a pilot looking at this would
3 say this person hasn't worked at all. It is so minimal,
4 the time that has been kept in these records in Ottawa.

5 THE CHAIRMAN: I think you are afraid of the
6 misconception of the form. As long as it is read
7 exactly to what it means, everybody knows what it means,
8 you are not afraid of that?

9 THE WITNESS: Well, my lord, our Department
10 don't understand that.

11 THE CHAIRMAN: That is the difficulty we are
12 running into with statistics. They have to be well
13 understood, what they mean, and their limitation.

14 Q. In the same vein, can you tell me if
15 during the month of August 1962 you were on the active
16 duty list as opposed to the stand-by list throughout the
17 whole month?

18 A. Most of the months I think, from looking
19 at this Mr. Jacques. The latter part of the month, no.

20 Q. You were on the stand-by list?

21 A. Just looking at this I think probably I
22 was.

23 Q. According to the documents which I have
24 here, during the month of August 1962 from the 27th to
25 the end of the month I notice that only nine pilots did
26 any work?

27 A. That is what I mean.

28 Q. Nine others did not do anything.

29 A. That is what I mean.

30 Q. They were not on the active duty list?



1 A. That is right.

2 Q. They were on the stand-by list. Now sir
3 when all these trawlers came in in October 1962, are you
4 able to say how many pilots were on the active duty list?

5 A. Half the crew.

6 Q. Half the crew, nine?

7 A. Yes.

8 Q. And all the ships were handled by these
9 nine pilots?

10 A. Yes, I believe so.

11 Q. Now, was each ship handled separately
12 by one pilot or were they taken in groups or in pairs?

13 A. The pilot boat led many of them in. If
14 I may explain this was a very unusual case. We didn't
15 know these trawlers were coming and it was very hectic
16 for a while. The weather was bad and the pilot boat
17 was overloaded a good many times with pilots, but I think
18 that we were very fortunate that night to be able to do
19 that work and have no collisions and nobody hurt.

20 Q. I don't know if you mentioned the number
21 of ships. Would you repeat it please? I think it was
22 given in your evidence but I don't recall if you gave
23 the number of trawlers that were taken in.

24 A. I think it was between 30 and 40.

25 Q. 30 and 40 trawlers. Does it happen that
26 there are two pilots to a ship?

27 A. Yes, I have never been personally in-
28 volved in this.

29 Q. Would you describe to the Commission in
30 what cases there would be two pilots on board a single ship?



1 A. I can only speak from past memory and
2 hearsay, my lord. Sometimes on aircraft carriers docking
3 with their bridge on the off-shore side occasionally
4 a second pilot is engaged to let the pilot who is
5 actually coning the ship know what is happening, but
6 I believe records will show in cases like that there was
7 a ruling made where there is one full pilotage and one
8 movage.

9 COMMISSIONER SMITH: In the case of a large
10 ship with everything aft are there any occasions when
11 there would be two pilots, one fore and one aft in this
12 harbour?

13 THE WITNESS: No, sir.

14 THE CHAIRMAN: This manoeuvre you just mentioned
15 about aircraft carriers, was that manoeuvre also done
16 yesterday morning?

17 THE WITNESS: I think probably, my lord. I
18 haven't seen the Order Book. I don't know. I think it
19 could have been done, my lord.

20 MR. JACQUES: Q. Would you tell us what you
21 do generally when you are first on the assignment list?
22 Do you stay home? Do you go out or do you stand by the
23 phone?

24 A. I stand by at home.

25 Q. You stand by at home. Would you go out
26 then?

27 A. Well, our position is such that it is
28 impossible to make appointments in the future. I think
29 we all have trouble with dentists and doctors and also
30 social engagements. My normal practice is, especially with



1 the dentist, he knows me of course, and he tells me you
2 just drop in and I may be able to take you. If I make
3 an appointment, inevitably I am going to be disappointed.

4 Q. Yes, but generally do you just stay home
5 and stand by the phone even if you are five or six on
6 the assignment list or do you say I will be going some-
7 where and leave a phone number?

8 A. Oh yes, that could be. Even when you
9 are fifth and sixth on the assignment list it is not
10 unusual you may even be seventh on the assignment list
11 and you could go out with the man that was first.
12 Yesterday morning I believe there were seven pilots
13 involved at the same time, seven or eight. It is not
14 unusual to be fifth or sixth up and the whole five or
15 six of you are called at the same time.

16 Q. I see, so there would be no difference
17 when you are on the active duty list, you would stand by?

18 A. The responsibility is on you.

19 Q. If you are on the stand by list what
20 would you do?

21 A. I would keep close to home. I keep close
22 to the phone. I would make myself always available.
23 Yesterday that same situation arose. They called on the
24 stand by men yesterday, I understand.

25 Q. But you wouldn't feel so tied down as you
26 would on the active duty list?

27 A. No, this is why -- it was unofficial, but
28 this is why we had this. We talked that over with the
29 superintendent, I believe the superintendent at that
30 time and the Commission discussed this and it was mutually



1 agreed. Of course the superintendent, he is interested
2 in this service operating efficiently, just as we are.
3 Possibly we have different reasons, but I think probably
4 both of us feel that this is the prime consideration, but
5 also we feel we should be entitled to some time that we
6 can reasonably call our own. There is no such thing as
7 holidays or week-ends for pilots and this sort of thing.
8 We can't get our holidays when we wish, our annual leave.
9 Some people would like it at different times. There is
10 only one fixed time laid down and that is in the summer.
11 We feel we are tied down and also our job is strenuous.
12 You lose a lot of sleep. You are called at all hours of
13 the night and sometimes out all night. We feel we are
14 entitled to some time that we can live, for want of a
15 better way of putting it.

16 Q. Now, sir, do you consider your boats, do
17 you consider them as your own boats or as a service which
18 is given to your by the Government?

19 A. I think we have always considered they
20 are our boats, the pilot boats, not ours personally.
21 Actually, one of them, I believe, was bought by us. There
22 was no cash changed hands when it was turned over to the
23 Department. I don't know if there was any formal
24 transfer whatsoever. We have always considered them
25 pilot boats. I was surprised when I was told that
26 actually the pilotage authority does not have much more
27 to say about the pilot boats.

28 Q. What do you mean?

29 A. I don't know Mr. Jacques. I am only
30 saying what I was told.



1 Q. Do you consider that these boats are
2 there for your sole service and convenience?

3 A. Yes. I dislike "convenience". I think
4 necessity, probably, Mr. Jacques. Yes, I have always
5 felt that way.

6 Q. To cross over to Imperial Oil, would you
7 call that convenience or necessity on a beautiful day
8 like yesterday? Mind you, I didn't choose today.

9 A. There is no difference. It certainly
10 should not be necessary for a man to drive all that
11 distance to go to Imperial Oil. I think the pilot boat
12 is there. However, this morning this boat, I think if
13 the records are investigated you will find that this
14 small harbour boat makes more trips in and out of the
15 harbour servicing the large boat than she does around
16 the harbour.

17 Q. Now, do you think that these three boats,
18 the small boat could be eliminated completely if you had
19 two pilot boats fully equipped and also faster?

20 A. No, I don't think so. We had faster
21 boats.

22 Q. Was it not the case when you had faster
23 boats that your boat was fast enough to go out to put
24 a pilot aboard and also to bring in a pilot disembarking
25 outside back into the harbour in good time to put
26 another pilot aboard another ship?

27 A. It would depend on how much time you had.

28 Q. Within a reasonable period of time
29 without forcing any pilot to wait four, five hours out
30 there?



1 A. No. That boat could be involved in inside
2 work. Sometimes a pilot has to stay aboard four or five
3 hours. That is not unusual. It is unusual after leaving
4 a ship. It is not unusual reporting to a ship.

5 Q. Now since the boats crews have been
6 reduced, has there been any accidents on these pilot
7 boats?

8 A. Not that I am aware of, but again, Mr.
9 Jacques, you only need one accident. I am thinking now
10 of the Hebridian being sunk in Halifax and a few years
11 ago when the Saint John pilot boat was sunk. One
12 accident can cause a great deal of havoc.

13 Q. You mentioned in your evidence that you
14 had lost ships because of the boat charge, ships dis-
15 continued using your service, ships not obliged to take
16 pilots because there was the boat charge. Are you able
17 to say how many such ships have been lost to pilots?

18 A. There is a letter to that effect in our
19 office. I believe it is still there. There was a
20 company here -- they are still operating with some small
21 ships. I believe speaking from memory that the letter
22 was couched something like this: We have always had
23 excellent service and enjoyed good co-operation from the
24 pilots. We feel our present action should not cloud
25 this feeling. It is just that we feel that the additional
26 \$10 boat charge on the \$14.45 -- excuse me, I think it
27 was about \$19.80 pilotage fee was ~~exorbitant~~ and it
28 practically added one-third on their costs, and they
29 thought they would just have to find some other way.

30 Q. The pilotage fee was \$19.80?



1 A. From memory, I think about \$19.80.

2 Q. How much money have pilots lost through
3 that?

4 A. We have never -- I have never made an
5 estimate.

6 Q. Were there many ships like this?

7 A. If my memory serves me right that company
8 had two or three ships in runs between here and
9 Newfoundland.

10 Q. And how many trips would they make a
11 year?

12 A. I think probably they would make a trip
13 -- I am not familiar -- at least ten days.

14 Q. A trip every ten days?

15 A. I think they would turn around in ten
16 days, maybe two weeks. They were here very frequently.
17 One of our pilots was captain of one of these ships.

18 Q. So that is about \$500 a year per ship,
19 a ship every 15 days or two weeks -- about \$500?

20 A. There would be two involved in each one
21 of these, wouldn't there be?

22 Q. You told me the pilot charge was \$19.80.

23 A. There is an inward and outward on one
24 voyage.

25 Q. So it would be \$1,000 a year?

26 A. I think so.

27 Q. When this happened did you notice any
28 major drop in your income?

29 A. Yes, we were aware of it.

30 Q. It was felt.



1 A. It was felt.

2 Q. Now the following year was it felt as
3 bad as during the year it happened?

4 A. I don't recall now, Mr. Jacques.

5 Q. When did that happen?

6 A. It is several years ago. It is when
7 the boat charge came on first. I think it was just prior
8 -- possibly 1960. I am not sure.

9 Q. Would you say now your revenue was up
10 to what it was before this happened?

11 A. Our revenue fluctuates a great deal, my
12 lord. I have that information in graphical form, if you
13 wish it.

14 Q. For how many years?

15 A. I am not sure, ten or fifteen.

16 Q. Would you make it available to the
17 Commission?

18 A. I will.

19 Q. That is very interesting. According to
20 the figures I have, and I will not quote any figures,
21 but since 1958 your revenue has been increased about,
22 less than 10%?

23 A. Would you say 1959 was the peak year?

24 Q. No, I would say 1962 was the peak.

25 A. 1959 and 1962.

26 Q. In the following order, decreasing:
27 1962, 1960, 1959, 1961 and 1958.

28 A. Mr. Jacques, that is not gross revenue?

29 Q. No, that is full share.

30 A. That is influenced by the number of men



1 you have off on part days and that sort of thing.

2 Q. This would have been your share?

3 A. Yes, but even though it were -- if it
4 were mine it would have been full, but it is always
5 influenced by the number of men who are ill throughout
6 the year. I think a better picture would be shown by the
7 gross earnings of the district.

8 Q. Gross earnings are as follows, 1959.

9 A. 1959 was the peak year.

10 Q. 1960, 1958, 1961 and 1962.

11 A. The graph I have peaks in 1959, from
12 memory. 1957 to 1959 there is quite an increase and then
13 it falls quite considerably, and as I mentioned the other
14 day in my testimony, it seems now to more or less have
15 levelled out.

16 Q. Do you feel pilots should do their own
17 collecting of their dues and administer their own finances?

18 A. I have heard that expression used, that
19 suggestion used. There would be a good deal more involved.
20 I haven't made any particular study of that operation.

21 Q. Do you feel that the Government in
22 looking after all that collecting of dues and keeping
23 accounts and paying bills, that it is giving you a
24 service since you consider that you are a private
25 contractor?

26 A. No.

27 Q. It is not doing your work?

28 A. No, I consider that as a public service.

29 THE CHAIRMAN: If you are entering another
30 subject and we will recess for a few minutes.



1 ---Shrt adjournment.

2 MR. JACQUES: Q. Sir, last year I believe it
3 was the Department's plan to replace the third boat
4 which you have here which does the harbour work by a
5 26-foot craft; is that correct?

6 A. That was part of it, yes.

7 Q. Part of it. What was the other part?
8 I don't know about the other part.

9 A. One of the large boats was to be, the
10 General Page, was to be de-commissioned and put out
11 of service.

12 Q. And the small harbour craft was to be
13 replaced by a 26-foot craft?

14 A. That is right.

15 Q. And the other boat, the No. 5 would
16 have remained here on duty?

17 A. That is right.

18 Q. So you would have had two boats, is that
19 it?

20 A. That is right.

21 Q. Now, is there any particular objection to
22 replacing the harbour boat by the 26-foot craft?

23 A. Very definitely.

24 Q. What would be the objection?

25 A. It couldn't perform the work required
26 of it.

27 Q. What was that work?

28 A. Transporting pilots to ships at anchor
29 around the harbour, and also they limited its voyage to
30 the yacht squadron breakwater.



1 Q. But within the harbour, inside the
2 squadron breakwater you say it wasn't fit for that work?

3 A. No.

4 Q. Why not?

5 A. There is many days in Halifax where a
6 26-foot boat wouldn't be safe to take outside of the
7 Western Union cable pier.

8 Q. Would these days occur during the winter?

9 A. No, not necessarily.

10 Q. That could be because of weather conditions?

11 A. Yes.

12 Q. Did you take a course in radar?

13 A. No formal course. For some years when
14 I was going to sea I used to do the minor repairs, keeping
15 the set operating. I had a week or so instructions by
16 a qualified technician.

17 Q. Now, I understand from your by-laws that
18 a course of radar is required to become a pilot; is that
19 correct? I am sorry, practical knowledge of the interpre-
20 tation of radar is required. I understand that there was
21 an offer of a three-week course on radar; is that
22 correct?

23 A. I don't know of such a thing.

24 Q. Is your licence endorsed with a mention
25 that you had any course or training in radar?

26 A. No.

27 Q. To the best of your knowledge are the
28 licences of other pilots endorsed for radar?

29 A. No. This is the first I have ever heard
30 of it.



1 Q. You have mentioned that you took in
2 disabled ships, and that it was quite a difficult opera-
3 tion owing to breakdowns of machinery. How many such
4 ships were taken into Halifax harbour last year?

5 A. I have no knowledge of this number. There
6 could be a good many that are not shown.

7 Q. Shown where?

8 A. In any records.

9 Q. Why?

10 A. I had such a ship this month. We suffered
11 a total breakdown going out in dense fog, a heavy loaded
12 Gypsum ship. Our main engine was out of service for
13 quite some time.

14 Q. It was going out?

15 A. That is right, it was dense fog. I
16 believe I mentioned that in my previous testimony.

17 Q. Yes. I think the mention of disabled
18 ships was meant to refer to ships which had suffered
19 breakdowns at sea or had been damaged at sea and were
20 taken into Halifax for some reason or other. Have you
21 any knowledge of such ships being taken into Halifax
22 last year?

23 A. I believe there were some. I haven't the
24 records, but I believe there were some. I wasn't involved.

25 Q. You weren't?

26 A. Not last year.

27 Q. You didn't take any last year?

28 A. No.

29 Q. Have you got a radio aboard the pilot
30 boat?



1 A. Yes.

2 Q. When you are on board the pilot boat are
3 you able to communicate with inbound traffic?

4 A. The Master of the pilot boat is, occa-
5 sionally. This equipment is not universal by any means.
6 There is much traffic that is not equipped.

7 Q. When you get out to the station and you
8 have an E.T.A., does it happen that through your radio
9 telephone you check whether the ship inbound is due on
10 time?

11 A. Our FM set has a very limited range.
12 It is not, more or less, a line of sight -- no, I am
13 wrong -- high antenna. I think the maximum service we
14 have had is about 30 miles.

15 Q. Do you get in touch with the pilot
16 station and request information of the whereabouts of a
17 ship if she appears delayed?

18 A. Yes. There is a special file in our
19 office for those messages that the captain of the pilot
20 boat informs the dispatcher to send. Quite often this
21 message must be CW and the wireless operator might not
22 get them. I don't know. There seems to be quite a
23 difficulty there.

24 Q. Could it be possible through the use of
25 telephone, or any other means of communication, to cut
26 down your waiting time at the station?

27 A. Not that I am aware of Mr. Jacques.
28 Every method that I know of is presently in use. We use
29 just about every facility we can to contact a ship.

30 Q. You mentioned some of the various ranges,



1 the degaussing ranges, et cetera, were not marked on the
2 chart. Is that correct?

3 A. I am not sure if the degaussing are or
4 not. That is an Admiralty installation. They would have
5 that information.

6 Q. Are there any areas within the harbour
7 where you may not go which are not marked on the charts?

8 A. At times, yes. Right in the main ships
9 channel off McNab's Island.

10 Q. Would you explain that?

11 A. We get instructions from the Navy when
12 they are using this place, and pilots are requested to
13 keep clear.

14 Q. Do you know if it is broadcast through
15 notice to shipping?

16 A. I doubt it. These are usually for short
17 periods of time. It may not be feasible.

18 Q. Now sir your qualifications to become
19 a pilot are that one must have had a certificate as
20 master of foreign going or home trade steamships, and
21 also to serve at least two years as master of a vessel
22 trading regularly into the district.

23 A. That is what they are now.

24 Q. Do you consider that if a man fulfils
25 these qualifications, that he could be competent to ply
26 in and out of Halifax?

27 A. I would say he would be a competent
28 candidate.

29 Q. What other knowledge would he require
30 apart from that to make him a competent pilot?



1 A. He must have a very intimate knowledge
2 of the harbour and all its facilities. This is part of
3 the examination. As I recall, the examination I took
4 certainly was not any joke. It was a very detailed and
5 comprehensive examination of the harbour and there wasn't
6 much that they didn't cover. The chief examiner, master
7 and mates, there is a Board of Examiners set up.

8 Q. Have you made any particular study before
9 sitting for this examination?

10 A. Very much so.

11 Q. To what extent?

12 A. I think for a period of time it was much
13 more intense than any study I have ever put in on any of
14 my sea-going certificates.

15 Q. For how many weeks?

16 A. This went on, in my case, for over a
17 matter of years and then the last week and a half it was
18 very intense.

19 Q. Studying all the time?

20 A. Over a matter of years? Oh no. I served
21 for several years on the pilot vessel. I gained some
22 knowledge there, and then I also, of course, traded in
23 and out of Halifax but still I was surprised -- before I
24 sat for the examination I was coached by others, and I
25 was surprised there was so much I didn't know.

26 Q. That is before you sat for the examina-
27 tion?

28 A. That is right.

29 Q. Before you sat for the examination, did
30 you follow any particular course or special studies, apart



1 from trading back and forth in the harbour and becoming
2 familiar with the harbour as you traded?

3 A. Do you mean formal schooling?

4 Q. It may have been formal schooling, I don't
5 know.

6 A. There isn't such a course.

7 Q. Would the other pilots organize such a
8 course for applicants?

9 A. Informally, yes.

10 Q. Did you follow such a course?

11 A. I had help.

12 Q. A series of lectures?

13 A. I had very capable assistance from --
14 concentrated assistance from a couple of pilots.

15 Q. That is before you became a probationary
16 pilot?

17 A. No.

18 Q. Before you sat for the examination?

19 A. Before I sat for the examination.

20 Q. How many weeks of this particular type
21 of co-operation would you have had before sitting for
22 your examination?

23 A. Well, as I said, the last week and a
24 half it was very intense and previous to that, of course,
25 I was working the same as I would for any of my sea-going
26 certificates when I was at sea.

27 Q. And that is how many hours a day?

28 A. That would be hard to say but there was
29 always a little bit of reviewing going on at irregular
30 intervals. In other words, I attempted to keep myself



1 fresh.

2 Q. And this week and a half of intensive
3 work, that would involve how many hours a day of actual
4 study?

5 A. There wasn't too many sleeping hours, I
6 can tell you that.

7 Q. We cannot go above 24 hours a day, so
8 it must be less than 24 hours.

9 A. It was very intense. I think it is
10 probably the same with most people as they approach the
11 examination. This was certainly concentrated. I don't
12 know when I went to the examination room who knew the
13 problem better, my wife or myself.

14 Q. Now sir one last question and when you
15 answer this question I don't want you to mention any
16 names. Do politics play a role in pilotage here in
17 Halifax either for or against the pilots?

18 A. In appointments?

19 Q. In appointments of pilots, in obtaining
20 increases in rates, new pilot boats, anything.

21 A. Not to my knowledge. Definitely not.

22 Q. These trips which are made to Ottawa
23 in order to bring modifications in the set-up here, would
24 you say that they carry a political implication?

25 A. No.

26 Q. You would not?

27 A. Are you speaking in my particular case
28 Mr. Jacques?

29 Q. I wouldn't want to speak in your
30 particular case because I don't want any names. I want



1 to keep it as general as possible. The purpose of the
2 Commission in asking this question is this: If politics
3 intervene in any way in the efficient operation of any
4 district, we feel that we should know about it, should
5 know how it intervenes or interferes in order that a
6 remedy may be suggested.

7 A. The only thing I can say, Mr. Jacques,
8 the only time I have been involved, I did have an
9 appointment with the Minister and I find that the informa-
10 tion had gone down through the Department but my business
11 with the Minister had nothing whatever to do with the
12 pilotage service. It was the City of Dartmouth. Nothing
13 concerning pilotage was discussed with the Minister.

14 Q. Thank you.

15 COMMISSIONER SMITH: I would like to ask the
16 witness one question my lord. Captain, there is nothing
17 in your brief, and I don't think there has been any
18 direct evidence or indirect evidence that the pilots were
19 requesting a change in the application of the pilotage
20 tariff, but I sensed from something that you said in
21 answer to a question from one of the lawyers, that because
22 of the increase in the sheltered decks on the larger
23 ships that the revenues were not as satisfactory as they
24 otherwise would be.

25 Now do you suggest there be some change in the
26 formula of the application of the tariff rates? When I
27 say "you" I mean your organization.

28 THE WITNESS: I believe I would be correct in
29 answering yes to that, Mr. Commissioner.

30 COMMISSIONER SMITH: Have you any suggestions as



1 to what those changes should be?

2 THE WITNESS: We have endeavoured at different
3 times to make some suggestions. We have quarrelled with
4 this sort of thing and we felt that we should -- if you
5 protest something, you should have a solution or suggestion
6 to make.

7 Net tonnage today is quite a vague figure and
8 of course all our charges are based on net tonnage. We
9 have tried working out some system with other agents,
10 and we find that there are inequities appearing there as
11 well.

12 I discussed this with Captain Scott. Captain
13 Scott and I were speaking about this a few days ago and
14 the suggestion was made that possibly length, breadth
15 and hold, depth or something like that, the physical
16 dimensions of the ship would suggest a solution but I
17 have never actually tried to develop any scale on these
18 dimensions.

19 However, we did attempt to do something with
20 gross tonnage and as I say, we found out that small ships
21 were reporting what they should, but large ships were
22 a way over, or vice versa. There were inequities showing
23 up there, much the same as with the net tonnage.

24 You do get ships now close to 500 feet long with
25 less than 3,000 net tons and these are large ships.
26 Quite frequently you are shocked when you see the tonnage
27 the master puts on the card.

28 COMMISSIONER SMITH: Thank you Captain.

29 Q. I am sorry, I have a few more questions
30 my lord. Give and take a few, would you state the total



1 number of assignments which you did last year during
2 let us say your busiest months?

3 A. I would say in the vicinity of 25.

4 Q. And in your least busy month, excluding
5 the month you were on leave, mind you, official or
6 unofficial?

7 A. I don't know which month this is. I
8 don't know which month is large and which month is small
9 by looking at this book.

10 Q. August is the smallest month.

11 A. In 1962?

12 Q. Yes sir.

13 A. It was not a small month for me. I had
14 23 ships.

15 Q. You would not recall your own smallest
16 month?

17 A. July, of course, I only had two ships
18 but I had been on holidays in that month. Just glancing
19 through here, I see 14 in May.

20 Q. Now sir another question on a different
21 subject all together. The Pilot Committee has complained
22 that the Department of Transport has overlooked the
23 Committee and its negotiations on the employment of pilots
24 as prevailing rates employees, or civil servants,
25 whatever it is. Is that correct?

26 A. I think it is true that the Committee have
27 been ignored. Each pilot was approached individually.

28 Q. Isn't it true that previous to all these
29 letters being sent to each pilot, there was a meeting
30 here in Halifax at which the members of the then Committee



1 were called and were present and at which a large majority
2 of the pilots were present and it was then explained by
3 delegates from Ottawa the reason why the Department wanted
4 to deal individually with each pilot?

5 A. I think that approach was made by letter
6 my lord. I think the item you are referring to is in
7 the summer, July 1961.

8 Q. I don't know.

9 A. That was the first approach that I know
10 of and the only instance I recall where there might have
11 been any difference was that each pilot would have a
12 different pension benefit, for years of service.

13 Q. Now has your Committee knowing that the
14 Department was writing individually to each pilot, ever
15 complained to the Department or to your local supervisor
16 about this procedure?

17 A. No.

18 Q. Never. Thank you.

19 THE CHAIRMAN: While we are on this subject here,
20 I see in the first exhibit, 360 a letter of the 14th of
21 July 1961, the first paragraph it is said:

22 "In this connection you will recall that

23 "Captain Seeley raised the subject at a meeting

24 "with the Halifax pilots a few months ago..."

25 That is prior to July, 1961. Do you recall what kind
26 of a meeting it was?

27 THE WITNESS: I don't remember my lord.

28 THE CHAIRMAN: Were you on the Committee at
29 that time?

30 THE WITNESS: No. There are some -- I could



1 clarify some of my previous answers my lord. I think it
2 may be helpful. I believe there was one on compulsory
3 pilotage. There is a good deal of security in a pilot's
4 mind when he knows that he is facing ships with another
5 pilot aboard in limited visibility.

6 We know how we habitually operate, and that
7 is one point on compulsory pilotage.

8 Another one is the signal service. Actually
9 our signal service now -- there is a signal service
10 shown in our dispatch office. However, I think the onus
11 should be on the traffic rather than on the pilots who
12 investigate any traffic that is going on. Actually this
13 service was a make-shift thing. Years ago we had a
14 signal service and it was discontinued and there was a
15 signal service phone put in the dispatcher's office for
16 the dispatcher to use. However, at times that signal
17 service phone has kept him very very busy. If you have
18 a dozen ship chandlers here in Halifax and you have five
19 ships due, you have got 60 phone calls right there. That
20 phone is very busy.

21 I think the onus should be on the traffic that
22 is moving to report the times they are moving to the
23 signal service.

24 Now there is another item about ranges,
25 navigational aids. A light on the Federal Building
26 would be a distinct advantage. It is the only mark that
27 I know to the north where a pilot would be sure when he
28 cleared Ives Knoll to the east, and this is something
29 that we use all the time at Imperial Oil and Texaco, and
30 many times in anchoringships in the harbour as well



1 especially Imperial Oil and Texaco. A light on the peak
2 of the Federal Building would be a decided advantage.

3 THE CHAIRMAN: You have changed this subject
4 all together. The day before yesterday Captain Latter
5 testified that there was a question of a loan there. I
6 was mistaken when I heard the evidence. I would like to
7 correct it for the record. Does that mean your fund has
8 made a loan from the Bank or that you have loaned from the
9 fund?

10 THE WITNESS: No. We have not negotiated a
11 loan in recent years.

12 THE CHAIRMAN: So there is no outstanding loan?

13 THE WITNESS: Oh no, definitely not. It has
14 been suggested at times, at the first of the year. It
15 was suggested to me not too long ago. In other words,
16 our bank balance is eliminated at the end of March, at
17 the end of the fiscal year. Then we are dependent on
18 April earnings for April salary and of course if we do
19 that, we would not have any salary because some ships
20 pay promptly but normally you don't follow up a bill
21 until 30 days and it could be the very last of the month
22 before you start to get anything in. However, we have
23 managed to get by in these times.

24 In previous years the Government of Canada,
25 I believe, used to give us a temporary balance of about
26 \$5,000 to carry us for the month, and we paid it back,
27 of course, as soon as the funds were available.

28 THE CHAIRMAN: Now, with regard to the question
29 of the small pilot boat, something was said about a
30 fibreglass boat should be provided in lieu of the third



1 one you have and this was refused, or it was discouraged
2 anyway. Would you tell us the reason why?

3 THE WITNESS: My lord, I believe I am correct
4 in saying we were all present at that meeting. At least
5 the great majority of us were, and we were very disturbed
6 about this. We have had considerable experience in
7 Halifax Harbour and during bad weather you are apt to
8 have several ships at anchor. This is caused by ships
9 entering the harbour and they haven't been able to dock;
10 other ships laying in the harbour waiting for berths.
11 They might have been there several days prior to the
12 storm. This is the time where shipping does have trouble
13 at Halifax Harbour anchorages and this is the time that
14 they do require pilots. Possibly they drag their anchor;
15 they have waited too long and they require a pilot. They
16 are dragging into danger and they need a pilot to remove
17 them to another anchorage. Need a pilot for security
18 watch.

19 In other words, they need local assistance and
20 during this you do need a good boat. Sometimes the
21 weather might be considered too bad to go alongside with
22 the small boat. Not too long ago I disembarked from a
23 ship in Halifax Harbour in the pilot boat. It was one
24 of the worst jobs I have had to do. I was soaked and
25 the weather wasn't really severe. We have to go aboard
26 a ship in reasonable condition.

27 I know it was explained to us that this boat
28 is not going to sink; we are not going to lose our lives.
29 Still, if I were going hunting, probably I would have
30 oilskins on and that sort of thing, and I would not be a



1 bit concerned about losing my life on the 26-foot boat,
2 but this is just what you are going to use this boat for,
3 the 26-foot boat, trying to get alongside a ship laying
4 at anchor, especially a light ship with a long ladder
5 blowing a gale of wind, heavy sea running. It would
6 be a very dangerous operation.

7 We felt we could not make our protest strong
8 enough in this instance because it has been recommended
9 and we had hoped that the Department would see some
10 benefit in our experience, and I think they have
11 recognized that if we are all so adamant that this boat
12 is not satisfactory, that probably we should know
13 something about it.

14 THE CHAIRMAN: Now, changing the subject again,
15 with regard to the tugs, I gather from the evidence that
16 there is only one tug company here operating in the
17 harbour?

18 THE WITNESS: That is right.

19 THE CHAIRMAN: And all requests are made by
20 the agents to that company and if they are short of
21 tugs, they make their own arrangements with Naval
22 Authority?

23 THE WITNESS: Yes, but all arrangements are not
24 made directly through the agents, my lord. Sometimes
25 they come from the master through the pilot.

26 THE CHAIRMAN: There is only the one company?

27 THE WITNESS: That is right.

28 THE CHAIRMAN: With regard to the system of
29 unofficial leave, if we may call it that, or uncalled
30 periods during the summer months, I think when I asked you



1 to state your dates for the month of August, I chose the
2 wrong one. Would you explain why, because from the dates
3 I have here you were working for the whole month except
4 the last six days of the month of August. You just
5 mentioned before that you were on leave in the month of
6 July. I would like to know if at all possible how that
7 works. You were one week off and one week on; how did
8 that work, as far as you were concerned, during that
9 summer?

10 THE WITNESS: It didn't my lord. No, this is
11 just a period between the winter season, from the end
12 of the winter season until holiday time and then from
13 the end of the holiday time until the start of the winter
14 season.

15 THE CHAIRMAN: The first week of August you
16 should have worked; second one off, the third one you
17 should be working. Right now you have been working three
18 weeks in a row there.

19 THE WITNESS: No, my lord. You see this stops
20 at the end of June, in that vicinity, whichever the
21 Monday happened to be. It may be the 1st or 2nd of
22 July but roughly the end of June. This week on stand by,
23 a week on active call ceases and then part of our crew
24 go on holidays and the other crew is on full work.

25 THE CHAIRMAN: This explains that. On page
26 17 of your brief, paragraph 3, the last sentence there,
27 I am wondering whether this is covered. You say:

28 "Care should also be taken to ensure that the
29 "efficiency of the pilotage dispatch office to
30 "serve the needs of marine traffic promptly and



1 "efficiently should not be endangered by the
2 "concurrent use of these facilities as a
3 "communications or message center."

4 THE WITNESS: Pardon me, my lord, the page?

5 THE CHAIRMAN: Page 17, paragraph 3, the last
6 sentence.

7 THE WITNESS: I mentioned this in referring to
8 the signal service, my lord. This has compounded the
9 work in the pilot office. It has been going on now for
10 several years and really it is not an efficient signal
11 service by any means. It is just a signal service phone,
12 from my knowledge. Ships' brokers and other people use
13 it. It is a second phone in the desk of the dispatching
14 office. It is a very busy phone. Another thing in that
15 paragraph, my lord, is the fact that one of the companies
16 now who is liable for compulsory pilotage happens to be
17 a Canadian company, and they still do have to pay half,
18 but now they are in the habit, and they have got permission,
19 to call the dispatcher and ask him what the traffic is.
20 This, rightly or wrongly -- I don't know if they use the
21 phone or not, but they are using the dispatching service.
22 In other words, they don't feel that they can travel
23 without having a rough idea of what is going on at the
24 time.

25 THE CHAIRMAN: In your experience have you ever
26 had any request by a Captain to be paid something out
27 of the service of pilotage, a kick-back?

28 THE WITNESS: Oh, no.

29 THE CHAIRMAN: Not here?

30 THE WITNESS: Definitely not.



1 THE CHAIRMAN: We have seen that somewhere.
2 Any other questions?

3 MR. DICKEY: I have one or two brief questions,
4 my lord.

5
6 RE-DIRECT EXAMINATION BY MR. DICKEY:

7
8 Q. The pilots' brief, Captain Crook, after
9 having been discussed in the meeting that you described,
10 was the brief in final form made available to all the
11 pilots?

12 A. Yes, it was. There were some that
13 didn't pick up their copies. Of course, it was kept in
14 our filing cabinet and just the Committee have keys to
15 the filing cabinet. I am not sure -- last week, I don't
16 know if it was Wednesday or Thursday, but I checked the
17 books to see how many still had not received their
18 copies and the ones who hadn't I mailed them out. However,
19 even this can break down. I called a man the night before
20 last and I found that he hasn't received his. I couldn't
21 understand it. They were all available before the end
22 of last week. They were available, but they were all
23 delivered before then.

24 Q. They were available before that?

25 A. Yes.

26 Q. Commission counsel has asked several
27 questions in connection with the possibility of inter-
28 ference with harbour traffic by the occurrence of
29 accidents. What have you to say, Captain, as to the
30 effect on the availability of the dry dock and floating



1 dock in that connection? What are the facilities in
2 Halifax of that nature, and what effect would a serious
3 accident relating to them have upon these facilities?

4 A. They could be put out of commission, yes,
5 very easily. We had a very bad obstruction at the end
6 of Pier 1A, the new pier in the south end. When that
7 pier was under construction one of the final cribs --
8 these piers were built ashore and floated into position --
9 one broke apart and sunk in the Basin, and it was a
10 very bad obstruction for a good many years, and still,
11 even though they have done everything possible, still it
12 is a very dangerous place to put an anchor down. You
13 could be fouled there.

14 Q. What dry dock and floating dock is
15 available in Halifax?

16 A. At the Dosco yards a graving dock and
17 a floating dock.

18 Q. That is all?

19 A. And the marine railways, of course, and
20 the Dartmouth Dosco.

21 MR. DICKEY: But this is not dry dock. That
22 is all.

23
24 RE-CROSS-EXAMINATION BY MR. LANGLOIS:

25
26 Q. Yesterday I asked you if you would give me
27 an estimate of the expenses incurred by yourself in
28 travelling to and from your job to the pilotage station.
29 Would you have this information now?

30 A. Yes, they ranged in the past four years



1 between \$500 and \$800 a year. The average is something
2 over \$600.

3 Q. That is for travelling from the pilotage
4 station to your work and back again?

5 A. And taxis involved and incidental
6 expenses.

7 Q. I understand you are not reimbursed any
8 of these expenses?

9 A. Oh, no.

10 THE CHAIRMAN: You are living in Dartmouth?

11 THE WITNESS: Yes.

12 THE CHAIRMAN: At night there is no communica-
13 tion except by taxi unless you use your private car?

14 THE WITNESS: Yes.

15 MR. JACQUES: Is that out-of-pocket expense?

16 THE WITNESS: Yes.

17 MR. JACQUES: When you use your own car do you
18 take ten cents a mile?

19 THE WITNESS: No, just mileage and prorate the
20 cost.

21 MR. JACQUES: Thank you very much.

22 THE CHAIRMAN: No further questions. We thank
23 you very much, Captain. I don't think at this late hour,
24 unless you have a witness that will just have a few
25 questions we will continue.

26 MR. DICKEY: My next witness will take a little
27 longer time than is available. It would be a personal
28 convenience to me if you adjourned.

29 THE CHAIRMAN: It would be for us too. We
30 are going to see the dispatch office and the pilot boats



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Crook, re-cr-ex.
(Langlois)

3260

1 and so, we will proceed there now. We will adjourn until
2 tomorrow morning at 9:30.

3

4

5 ---Whereupon the hearing adjourned until May 31, 1963
6 at 9:30 a.m.

7

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

HALIFAX
NOVA SCOTIA

VOLUME No.:

30

DATE:

May 31, 1963.

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at Province House, Halifax,
Nova Scotia, on Wednesday, the
31st day of May, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques

Mr. Leopold Langlois, Q.C., for the Canadian
Merchant Service Guild, Inc.

Mr. J. H. Dickey, Esq., for the Pilots of the
Pilotage District of Halifax.

Mr. D. Anderson, Esq., Halifax Steamship
Committee, Shipping Federation of Canada.

Also Present

Capt. J. S. Scott, Nautical Adviser
to the Commission

Capt. Seeley, Department of Transport
and liaison officer.



INDEX OF WITNESSES

PAGE NO.

3 WRIGHT, David

4	Direct examination by Mr. Dickey	3261
	Cross-examination by Mr. Jacques	3270
5	Cross-examination by Mr. Langlois	3272

6
7 MAXNER, John Herbert

8	Direct examination by Mr. Dickey	3276
	Cross-examination by Mr. Jacques	3279
	Cross-examination by Mr. Anderson	3283
9	By Mr. Jacques	3284
	By Mr. Dickey	3292
10	By Mr. Jacques	3293
	By Mr. Langlois	3304

11
12 SULLIVAN, Roy

13	Direct examination by Mr. Dickey	3306
	Cross-examination by Mr. Jacques	3311
14	Cross-examination by Mr. Anderson	3314
	Cross-examination by Mr. Langlois	3315

15
16 HARTLING, Ernest

17	Direct examination by Mr. Jacques	3316
----	-----------------------------------	------

18
19 HALL, Yman

20	Direct examination by Mr. Anderson	3328
	Cross-examination by Mr. Langlois	3333
	Cross-examination by Mr. Jacques	3334

21
22 CAPTAIN LATTE

23	Direct examination by Mr. Jacques	3336
	Re-cross examination by Mr. Dickey	3345
24	Cross-examination by Mr. Langlois	3351
	Cross-examination by Mr. Anderson	3360
25	Cross-examination by Mr. Dickey	3364

26
27 SEELEY, Clifford M.

28	Direct examination by Mr. Jacques	3369
	Cross-examination by Mr. Dickey	3372
	Cross-examination by Mr. Langlois	3379
29	Re-direct examination by Mr. Jacques	3383
	Re-cross examination by Mr. Langlois	3384
30	Cross-examination by Mr. Dickey	3385



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INDEX OF EXHIBITS

<u>2</u>	<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
3	370	Photostatic copies of Captain Maxner's book.	3277
4	371	A statement showing vacation of Captain Maxner	3280
5	372	Spring routine of week on and week off	3339
6	373	Pilots' Winter Schedule Week Off Routine	3339
7	374	Minutes of a meeting of representatives of the Department of Transport and the Halifax Pilots held on the 19th of July, 1961.	3341
8	375	Authorization given to supervisor to make certain deductions from the Pilots' Fund.	3343
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			



Halifax, Nova Scotia
Friday, May 31st, 1963

3261

PB/RPS

1 ---ON RESUMING AT 9:30 A.M.:

2
3 MR. DICKEY: My lord, I call Captain David
4 Wright.

5
6 DAVID WRIGHT, Sworn

7
8 MR. JACQUES: Your full name and age?

9 THE WITNESS: David Wright, 64.

10
11 DIRECT EXAMINATION BY MR. DICKEY:

12 Q. Where are you now residing, Captain?

13 A. At Wright's Cove in Burnside.

14 Q. That is in the County of Halifax?

15 A. In the County of Halifax.

16 Q. You are a retired master mariner?

17 A. I am.

18 Q. When did you first go to sea and from what
19 Port, Captain?

20 A. 1916, the Port of Liverpool, England.

21 Q. Have you followed the sea as your profes-
22 sion from that time up to the time of your retirement?

23 A. Yes, I have.

24 Q. What officers and masters certificates
25 have you secured and do you hold, Captain?

26 A. Well, I secured a second mate's square
27 rig ticket and a mate's square rig ticket and a master's
28 steam ticket endorsed for square rig, ordinary mate.

29 Q. Is that ocean going?

30 A. Yes, ordinary means ocean going.



1 Q. When did you first come to Canada and
2 what employment did you take at that time?

3 A. I came to Canada the 14th of June, 1923.

4 Q. What appointment did you hold at that time?

5 A. Third mate of the Canadian Runner.

6 Q. That was a Canadian . . .

7 A. C.N.S. in those days.

8 Q. How long did you remain in the employ of
9 the Canadian Government Merchant Marine?

10 A. Until March of 1925.

11 Q. By whom were you employed from that time?

12 A. The Western Union Cable Company.

13 Q. What was the year in which you got your
14 master's ticket?

15 A. 1926, I think it was.

16 Q. Since taking employment with the Western
17 Union Cable in what capacity have you served?

18 A. I have served both in the Lord Kelvin and
19 the Cyrus Field, from fourth officer to master. I was
20 15 years as navigator.

21 Q. Where did you serve in those ships?

22 A. We looked after all the cables in the North
23 Atlantic, the Gulf of Mexico, and that about covers it.

24 Q. What was the home port of those ships?

25 A. In Halifax, Nova Scotia.

26 Q. Had you traded in and out of the Port
27 of Halifax prior to that time in the C.N.S.?

28 A. In the C.N.S. I had from the West Indies.

29 Q. With the Canadian Merchant Marines?

30 A. Evenmouth and Swansea.



1 Q. From your going to Western Union Cable
2 Company in 1925 during your service with that company
3 approximately how frequently would you have entered in
4 this the Port of Halifax?

5 A. In the small ship we entered and cleared
6 Halifax 20, sometimes 30 times a year. In the larger
7 ship maybe 10 or 15.

8 Q. During those years in what capacity did
9 you serve in connection with the operation of those
10 cable ships?

11 A. Well, from fourth officer to master.

12 Q. How long did you actually serve as
13 master prior to your retirement?

14 A. A year and a half.

15 Q. Prior to that what was your position?

16 A. I was chief officer.

17 Q. Chief officer. How long were you chief
18 officer?

19 A. Oh, I would say seven years.

20 Q. Seven years. For what period, if any,
21 did you serve as navigator of the cable ships?

22 A. Oh, about 15 years.

23 Q. 15 years as navigator. Now, in this
24 period in which you were entering and leaving the Port
25 of Halifax had you any experience with the use of the
26 pilotage service in the Port of Halifax?

27 A. Yes.

28 Q. What was the practice of the ships on
29 which you served with respect to the use of pilots?

30 A. We always took a pilot.



1 Q. Over this period of years what experience
2 did you as navigator and master of the cable ships, what
3 familiarity did you obtain with the Port of Halifax?

4 A. We were always glad to see them, good
5 weather or bad.

6 Q. What experience did you yourself acquire
7 with respect to the Port itself and its physical character-
8 istics?

9 A. We always asked how the weather was
10 inside and how the wind was and the conditions and the
11 traffic and the tide.

12 Q. During this period did you yourself become
13 familiar with the Port?

14 A. Yes, naturally.

15 Q. And the same with the two of the masters
16 under whom you served?

17 A. Oh, yes.

18 Q. Did this familiarity that you yourself
19 obtained, did that have any effect on whether or not
20 you retained the services of a pilot for coming into the
21 Port?

22 A. No.

23 Q. From your experience, Captain, would you
24 tell the Commission what you regard as the importance of
25 pilotage service to the master of a vessel using this
26 Port?

27 A. Well, we were always very glad to see
28 him come abroad. He relieved us of a tremendous lot of
29 extra responsibility. We decided that he was like the
30 support of a walking stick.



1 Q. What have you to say, Captain, as to
2 the variety of weather conditions that you have experienced
3 in entering and leaving and using the Port of Halifax?

4 A. Well, when I was very young I heard that
5 the three, Hull, Hell and Halifax -- I haven't been to
6 Hull and I haven't yet been to Hell, but Halifax I have.
7 I have had a lot of association with her. Sometimes she
8 is very nice. Other days she isn't.

9 MR. JACQUES: Do you look forward to going to
10 Hell?

11 A. I am going to Fiddler's Green. I can
12 take my dog.

13 Q.. What have you to say as to the frequency
14 with which weather conditions adversely affect the ease
15 of entrance or exit from the harbour?

16 A. Well, Halifax harbour is an open harbour
17 and anything from nor'-east, to sou'-east, which we
18 very frequently get, very bad storms in the wintertime,
19 and the very fact that the pilot's vessel has got to
20 in many cases, due to this severe weather and heavy seas,
21 has got to be picked up inside Maugher's Beach . . .

22 Q. Now, Captain, what factors in your
23 experience relative to pilots local knowledge is of
24 assistance to the master?

25 A. As navigator I was responsible to the
26 captain for the navigation of the ship. Now, because
27 we had a pilot aboard, that didn't relax in any way.
28 The ship's position was taken until we passed Maugher's
29 Beach. We always obeyed the pilot in all cases because
30 he went the right way.



1 Q. Have you taken any interest in shipping
2 matters in the Port of Halifax since your retirement?

3 A. Well, I am living next to the Gypsum
4 wharf in Bedford Basin, two and a half minutes from the
5 wharf and being an old sailor I go over and see the
6 ships when they come in.

7 Q. What type of ships are these?

8 A. They are big bulk carriers.

9 Q. Have you had occasion to observe these
10 boats being docked and undocked at these piers?

11 A. I am sometimes asked to go and see them
12 dock.

13 Q. From your observations what have you to
14 say as to any problems that are created there by the
15 physical features or the prevailing winds, matters of that
16 kind?

17 A. Well, my observation is there is a little
18 buoy here you have to pass on the starboard side. When
19 you get around that buoy in a big bulk carrier and he
20 has to square away for the dock, it is a very difficult
21 thing in a northwest wind and southwest wind. He has
22 to turn very sharply.

23 Q. Turn in what direction?

24 A. He usually heads up to the northeast.

25 Q. Now, the buoy to which you have referred
26 is shown on the chart?

27 A. It isn't the position of the buoy. The
28 buoy is here (indicating). I presume it is a continuation
29 of the dotted line.

30 Q. When you say it is here what mark do you



1 indicate on the chart?

2 A. A red circle.

3 Q. Perhaps the record should show, my lord,
4 that is the red circle placed on Exhibit 336 by the
5 witness, Captain Cook during his testimony. What have
6 you to say Captain of your observation of the frequently
7 with which these larger deep draught ships are now using
8 the Port of Halifax?

9 A. Well, I feel that I have listened to this
10 investigation from the beginning to the end and they have
11 talked about faster ships and doing things faster, but I
12 think as the ships get larger -- we used to think a
13 10,000 ton ship was big, but now we are in the 50,000,
14 75,000 ton ships, and the Port of Halifax which has
15 got to be classified the same as Southampton and New
16 York, which has facilities for those very large ships,
17 and the large ships and the great speed she has, when
18 she reduces speed she has to go faster through the water
19 and that is in close waters like Halifax, you have two
20 leading lights or ranges -- I think one course is 355
21 and the other is 335. When you change from one transit
22 to another there is not very much room for a large ship
23 and I think this is where we need efficient pilots and
24 the pilots in Halifax in my observation are very efficient.

25 Q. Over the years of your use of the Port
26 of Halifax have you been able to form an opinion as to
27 the competency and the necessity of the pilot service of
28 these pilots?

29 A. Well, yes. The pilot service is
30 becoming more necessary because of these large ships and



1 fast ships.

2 COMMISSIONER SMITH: Captain, in your experience
3 which has been a very wide one, I suppose you have visited
4 a lot of foreign ports over the world?

5 THE WITNESS: Well, in the cable world we didn't
A2 6 visit too many, but we visited a few.

7 COMMISSIONER SMITH: Ports in the United States?

8 THE WITNESS: Ports in the United States, Gulf
9 of Mexico, England, France.

10 COMMISSIONER SMITH: What has been your experience
11 in entering those ports or leaving them with regard to
12 pilotage? What kind of pilotage did you encounter, what
13 system?

14 THE WITNESS: Sir, when I went to sea first I
15 went as an apprentice on a sailing ship and I was told,
16 my people were told I would be a Hodgly Pilot. All my
17 younger life I wanted to become a pilot because a pilot
18 was a very respected professional man at sea. Of course
19 with the outgoing of sail it was harder to get sailing
20 ship people, but in the London River and the old country
21 ports you had to have sail training. Now you can't get
22 that so we have to take the best we can. I am afraid today
23 -- I wouldn't like to see the day we curtailed our qualif-
24 ications for pilots in any way because I think that once
25 we lose our identity, well, we just become . . .

26 COMMISSIONER SMITH: In those foreign ports
27 you always took a pilot?

28 THE WITNESS: Always took a pilot.

29 COMMISSIONER SMITH: Thank you.

30 Q.. Captain, the work performed by the Western



1 Union Cable ships was the laying and repairing of cables;
2 is that correct?

3 A. Repairing cables.

4 Q. Did you during your service on these ships
5 have any occasion to repair or lay cables in the vicinity
6 of Halifax harbour?

7 A. Yes, many times.

8 Q. What have you to say as to the number of
9 undersea cables of which you have some knowledge in this
10 area?

11 A. There are four important cables. Of course,
12 you must remember, gentlemen, when you repair a cable
13 very, very often we leave the abandoned cable, that is the
14 cable we have cut out of position and because of the
15 closeness of the cables in Halifax harbour if we put a new
16 piece of cable in we try to run it out at a tangent and bring
17 it back into the line so we can hook it in the future, so
18 that the actual position of the cables in Halifax may
19 alter. I don't think there is any -- I can't remember any
20 time that we had to report to Halifax for that. The only
21 thing we had to tell the Custom people how much cable we
22 had used within the three mile limit.

23 Q. Are you familiar with the marine charts
24 in the Halifax Port and its approaches and the cable
25 locations that are shown on these charts?

26 A. Yes.

27 Q. From your personal knowledge do these
28 cable locations show all the cables that exist or their
29 precise locations?

30 A. Well, all commercial cables.



1 Q. Yes?

2 A. But government cables, we have no juris-
3 diction on them at all and they can lay cables, and we
4 have laid cables for the government, which is the Navy and
5 Army, and those are confidential.

6 Q. And their locations -- ?

7 A. Their locations are not made public.

8 Q. By charts or otherwise?

9 A. By charts or otherwise.

10 MR. DICKEY: That is all, my lord.

11
12 CROSS-EXAMINATION BY MR. JACQUES:

13 Q. Sir, you said that pilots relieve you of
14 extra responsibility. What do you mean by "extra respon-
15 sibility"?

16 A. Well, when a pilot comes aboard a ship he
17 is an expert with local knowledge. Generally the first
18 thing you ask the pilot is the weather, the traffic and
19 if there is any fog, well, he is there to tell you how the
20 traffic is moving, and if the buoys have changed. We have
21 frequent changes of buoys and a lot of Naval work that is
22 being done and ships, Naval ships laying cables or picking
23 up cables, and that information is always given to us and
24 we always looked forward to that.

25 Q. Now, sir, you said you had been master for
26 about a year and a half. Was that on the Cyrus Field?

27 A. On the Cyrus Field.

28 Q. So, I imagine that you had very many
29 occasions to call on Halifax on that ship as Master?

30 A. Yes.



1 Q. Would you tell the Commission what you
2 were occupied with as master on that ship within the 24
3 hour period before coming to Halifax harbour? What did
4 you do actually on the ship then?

5 A. As master?

6 Q. Yes?

7 A. Well, I had a navigator who piloted the
8 ship or navigated the ship to the inner automatic buoy
9 where I pick the pilot up.

10 Q. Were you on the bridge during that time?

11 A. Well, I was on the bridge -- you mean on
12 the pilot's time?

13 Q. No, before picking up the pilot?

14 A. No.

15 Q. You didn't?

16 A. The orders were given to the navigator to
17 tell you -- mind, in fair weather and in clear weather.
18 In fogs it is always the master's duty to be on the bridge
19 of a ship in foul weather.

20 Q. To the best of your recollection how long
21 were you obliged to stay on the bridge, sometimes, when
22 it was foggy before entering Halifax?

23 A. Before entering Halifax?

24 Q. Yes?

25 A. Well, I have been on the bridge, well,
26 12 hours, 16 hours.

27 Q. 12 to 16 hours?

28 A. That isn't continuously on the bridge.
29 You don't take your clothes off and you don't sleep.

30 Q. Did that happen frequently?



1 A. Frequently that happened. The fog, it
2 is a very foggy port I would say from May to September.

3 MR. JACQUES: Thank you very much.

4 MR. ANDERSON: No questions, my lord.

5
6 CROSS-EXAMINATION BY MR. LANGLOIS:

7 Q. Captain Wright, you expressed your apprec-
8 iation of the pilotage services in Halifax. Just the same,
9 would you have any suggestion or recommendation to make
10 to the Commission with regard to improvement of that
11 service, how it could be improved?

12 A. Well, I have sat in on all the evidence
13 and there is one thing I don't agree with. It is the
14 deckhand in the small pilot boat, whether or not to
15 reinstate the deckhand in small pilot boat. I was
16 going to say, and particularly anybody coming in and out
17 of Halifax as long as I have known that a boat going as
18 far out as Maugher's Beach with an ordinary swell from
19 the southeast can lose a man over the side either taking
20 a pilot off or putting him on board the vessel. When you
21 have an engineer in charge of the engine room or the
22 movement of the ship and the skipper on the bridge taking
23 her alongside or taking her away from the ship's side
24 and no man to fish anybody out of the water, to me -- that
25 is why in my experience I say that nobody else would
26 get away with it except the government.

27 Q. Would you have any further suggestions to
28 make, Captain?

29 A. Well, no. The pilot service in Halifax
30 has always been very efficient. I hope that the pilots



1 at Halifax, their identity will never be taken away from
2 them and that they will never be made a political football.
3 That is all I have to say.

4 MR. LANGLOIS: Thank you, captain.

5 THE CHAIRMAN: What you were talking about there,
6 the deckhand on the pilot boat assisting the man in charge
7 . . .

8 THE WITNESS: In charge of the wheelhouse, and,
9 I presume there is an engineer propelling the thing.

10 THE CHAIRMAN: I understood from Captain Latter
11 that some time ago the deckhand was added so they were
12 obliged to hire three men more. I think that has been
13 corrected now from what I gathered. It may be corrected
14 later if it is not two, but that is the impression I had,
15 that one more member was added to the crew of the pilot
16 boat.

17 Am I right in saying what I said? Am I right
18 the evidence discloses this was corrected?

19 MR. DICKEY: I apprehend not but perhaps that
20 could be cleared up when Captain Latter comes back. I
21 think a deckhand was added to the small boat. One man on
22 the small boat. There are still just two on the outside
23 boat.

24 MR. JACQUES: That is my recollection of the
25 evidence also. One man was added to complete the vessel
26 crews.

27 THE CHAIRMAN: Would you have any other suggestions
28 with regard to the improvement of the service besides that?

29 THE WITNESS: I would like to see a master's
30 deep water paper required for a pilot in Halifax.



1 THE CHAIRMAN: Could you explain why?

2 THE WITNESS: Well because he is, as far as
3 certificates are concerned, then as superior to any
4 master entering the port in a large ship or small ship.
5 There is no inferiority complex.

6 THE CHAIRMAN: Isn't there another complex
7 also on the part of the sea captain when he sees the
8 shore, just handing over the ship because they are not
9 familiar with the shore?

10 THE WITNESS: I don't quite understand.

11 THE CHAIRMAN: You see, from what we have heard
12 so far whenever a sea captain sees the land, he welcomes
13 anybody with any knowledge of the shore to take over his
14 ship.

15 THE WITNESS: Yes, as soon as we get into 100
16 fathoms we don't sleep at night.

17 THE CHAIRMAN: Would it be better if it were
18 required that pilots have coastal certificates rather than
19 sea certificates because they are more used to the shore
20 and to the shoals and all those hazards because from what
21 we have gathered so far they are not used to tugs, also
22 to navigate in shallow waters, and so on. Would that be
23 better?

24 THE WITNESS: No, I don't think so.

25 THE CHAIRMAN: Could you give us any further
26 explanation why not?

27 THE WITNESS: I don't think a master who is used
28 to a one thousand ton ship could taken over an 80,000 ton
29 ship.

30 THE CHAIRMAN: You have very big ships now like



1 on the St. Lawrence River?

2 THE WITNESS: Don't you think that is a different
3 thing? Halifax is a very very nice Port but it can be
4 very wicked as far as the sea is concerned. Very often
5 the pilots have got to go out to the outer automatic
6 buoy.

7 THE CHAIRMAN: I tell you that because we have
8 seen in British Columbia where they prefer to have people
9 with tug masters' certificates. Of course ~~out~~ there tug
10 masters may be a little different than here. They ply all
11 around the coast with tugs, with something in tow. They
12 are quite used to coastal waters, and so on, so they prefer
13 to have a man like that than a sea going captain. They say
14 the sea going captain has no local knowledge and is not
15 used to plying in shallow waters and by the shore. That
16 is one remark we had over there. We would like to have
17 your views.

18 THE WITNESS: If you go into New York you have
19 an outside pilot and then when you get in near the dock,
20 you have a tugboat pilot. In Halifax harbour, you know,
21 there are many times ships come into Halifax harbour in
22 northeasterlies, and southeasterlies, fog, and they have
23 to anchor outside.

24 I am not going to retract my statement because
25 I would say I was old fashioned, but there may be something
26 in that.

27 THE CHAIRMAN: So you think there is an inferior-
28 ity complex?

29 THE WITNESS: I do. I think that it is personal
30 on both sides.



1 THE CHAIRMAN: Thank you very much.

2 MR. DICKEY: There are no other questions.

3 Thank you very much Captain Wright.

4 My lord, in view of the previous testimony that
5 has centred, to some extent, around the frequency and
6 the regularity of pilotage assignments, to individual
7 pilots, one of the pilots, Captain John Maxner
8 has personally maintained a complete detailed record of
9 all his assignments in this book.

10 If the Commission would be kind enough to give
11 me permission, I would like to call Captain Maxner
12 to identify and describe the book and then I could have
13 the pages, relating to 1962 and 1963, for example, photo-
14 stated and made available to the Commission for their
15 information.

16 THE CHAIRMAN: Please do so. It would be very
17 helpful.

18 MR. DICKEY: I have also showed the book to my
19 learned friend Mr. Jacques.

20 CAPTAIN JOHN HERBERT MAXNER, Sworn

21 THE SECRETARY: Would you give your full name and
22 position please?

23 THE WITNESS: John Herbert Maxner, Halifax
24 harbour pilot.

25
26 DIRECT EXAMINATION BY MR. DICKEY:

27 Q. Captain Maxner you are a pilot in the
28 Halifax Pilotage Service?

29 A. I am.

30 Q. How long have you been practising as a



1 pilot?

2 A. In the Halifax Pilotage Authority just over
3 six years.

4 Q. Prior to that what experience in pilotage
5 had you had?

6 A. I had eight years pilotage with the Navy.

7 Q. That is the Royal Canadian Navy?

8 A. Yes.

9 Q. Now since you entered the Halifax Pilotage
10 Service, have you maintained a detailed and complete record
11 of all your assignments?

12 A. I have.

13 Q. These are contained in a book maintained
14 by yourself?

15 A. Yes.

16 MR. DICKEY: My lord, perhaps the record should
17 show that Captain Maxner's pilotage log abstract has been
18 given a number 370 and after it has been identified and
19 described, photostat copies of the pages relating to the
20 entire year 1962 and the year 1963 to May 27th, 1963 will
21 be filed.

22

23 ---EXHIBIT NO. 370:

Photostatic copies of
Captain Maxner's book.

24

25 Q. Captain Maxner I show you the pilotage
26 log which is now Exhibit 370 and starting with the year
27 1962, the month of January would you describe what that
28 discloses, each column, what it refers to and by whom this
29 record was made?

30 A. The record was made by myself and was taken



1 off my source cards. The file number for this particular
2 entry, starting January 1st 1962 was number 881.

3 Q. Does that mean that is the eight hundred
4 and eighty-first assignment that you had had?

5 A. Yes, on my own, and on January 1st, it's
6 the San Calisto.

7 Q. That is the name of the ship?

8 A. Yes sir.

9 Q. What is in the next column?

10 A. The signature of the master as copied
11 by myself from the card.

12 Q. That is the name of the master?

13 A. That is the name of the master. The
14 registry, nationality of the vessel, registered net tons,
15 which in this case is 12,308, which is semi-super tanker,
16 as we call them, and she left No. 3 oil dock.

17 Q. The next column shows the location?

18 A. Of the vessel at the time of boarding.
19 No. 3 oil dock, be Imperial Oil Company and she proceeded
20 from there to sea.

21 Q. That is shown in the next column?

22 A. Yes. In the next column we have the time,
23 that is the time engaged from the call of the assignment
24 to the completion of the assignment, landing back in the
25 vicinity of our office, which in this case was 1545 the
26 call was received from our dispatch office. I was landed
27 back in the vicinity of our starting place, our headquarters
28 at 1900 and the agent for the vessel, in the same column,
29 is Furness Withy & Company.

30 Q. Does this book, from then on in the succeed-



1 ing pages, which are so far complete, contain a complete
2 list of your assignments for each month of the year 1962
3 and 1963 to date giving similar information in each column?

4 A. Yes sir.

5 Q. Just one further question Captain. So that
6 the record will be clear, the times are entered in terms
7 of the 24 hour clock. Is that correct?

8 A. Yes sir.

9 Q. And shows the time elapsed between receipt
10 by you of the call from the dispatcher and your return to
11 the vicinity of the dispatching office?

12 A. That is right sir.

13

14 CROSS-EXAMINATION BY MR. JACQUES:

15 Q. During what month did you take your vacation
16 in 1962 sir?

17 A. The first two weeks in July and the first
18 two weeks in August.

19 Q. And apart from that, would you recall what
20 weeks you took off as unofficial leave? Do you recall that?

21 A. You mean before and after the holiday
22 period?

23 Q. Yes sir?

24 A. We started breaking up on the 9th of April,
25 if I am not mistaken last year, 1962 and whoever goes on
26 the first vacation has the first week on standby and it
27 works in rotation until like the 1st or 2nd of July.

28 Q. Perhaps if it pleases your lord --

29 A. I can tell just by looking at the book.

30 I could give you the exact date.



1 Q. -- the witness would also prepare a statement
2 which would be attached to the photocopy of his log book
3 showing what weeks he was off the active list, because I
4 do not think it would be fair if we were to interpret
5 this list as though the man were 24 hours a day, 30 days
6 a month on duty.

7 THE CHAIRMAN: Will that be shown from that, that
8 he had not taken his ship for any particular week?

9
10 MR. JACQUES: It certainly would. We don't
11 know whether it's because there was no ship, or because
12 he was on vacation. I note during 1962, April 1962, he
13 took a total of 12 ships. Well maybe he was away on
14 vacation. Maybe there were no other ships. I don't know.
15 You have no way of telling. If that is agreeable -- ?

16 MR. DICKEY: Certainly. I am sure that can be
17 done.

18 THE CHAIRMAN: Could you prepare a statement
19 showing when you took, during the period for which you are
20 going to file a copy of your records, your annual leave
21 and showing also the period on standby?

22 THE WITNESS: Yes sir.

23 THE SECRETARY: May I suggest, in order to keep
24 the record in sequence, that we give it a number. That
25 would be Exhibit No. 371.

26
27 ---EXHIBIT NO. 371: A statement showing
28 vacation of Captain Maxner.

29 Q. I believe that you were also in the
30 Naval Reserve and were on short service appointment for some



1 time?

2 A. Naval reserve for 24 years.

3 Q. Short service appointment?

4 A. Three years during the Korean War.

5 Q. And you have held the rate of Lieutenant
6 Commander?

7 A. Yes.

8 Q. And during that time you had occasion to
9 take command of vessels I believe?

10 A. During the whole period.

11 Q. And you were in command of minesweepers,
12 particular the Wallaceburg?

13 A. The Wallaceburg, Brockville, Granby, Wallace-
14 burg twice in fact in different years, and Porte Dauphine
15 and several other ships just temporarily.

16 Q. And the minesweepers were of the Algerian
17 class I believe?

18 A. Yes.

19 Q. Would you tell us their length, beam and
20 draught, if you recall?

21 A. Well the Algerian class is 225 feet overall.
22 The loaded draught approximately 16 feet, because we would
23 have to take the bottom of the propeller. The propellers
24 are deeper than the keel and we use around 16 feet for
25 clearance and beam is approximately 34 feet, if I can
26 remember correctly.

27 Q. Now how would its draught and length compare
28 with the majority of the ships which you are taking in and
29 out of Halifax at the moment?

30 A. Similar in size to the small vessels, small



1 coasters, not quite as large as the small lake boat.

2 Q. Would it be a fair statement to say the
3 majority of the vessels which you are taking in here are
4 larger than this type of craft?

5 A. Yes.

6 Q. When you were in command of these vessels
7 did you use pilots in and out of Halifax?

8 A. No, not Halifax.

9 Q. Were you also in command of merchant
10 ships?

11 A. Just temporarily. Just relieving.

12 Q. And on what type of ships did you serve
13 as master?

14 A. Well in the relief capacity 18,000 carrying
15 capacity.

16 Q. Dead weight?

17 A. Yes.

18 Q. Were they cargo ships or tankers?

19 A. Tankers. Shell Oil Company.

20 Q. Were they engaged in coastal trade or
21 foreign trade?

22 A. Foreign trade.

23 Q. When you were master, relieving master
24 on these ships, did you have occasion to call in Halifax?

25 A. No.

26 Q. You never came to Halifax with these ships?

27 A. No.

28 Q. Thank you sir.

29

30



1 CROSS-EXAMINATION BY MR. ANDERSON:

2 Q. Captain Maxner, on the week standby you
3 have during the summer, has there been any occasion where
4 you have gone outside the County of Halifax?

5 A. Yes.

6 Q. How often in the run of the summer on an
7 average say in 1962?

8 A. For more than three or four hours, I would
9 say four times.

10 Q. Four times on an average, let us say, for
11 1962? Four times?

12 A. Yes. Under those circumstances.

13 Q. And who would authorize that Captain Maxner?

14 A. Well you would inform the office or the
15 Committee.

16 Q. Did you get any specific authorization?

17 A. Not as laid down and defined as complete
18 authorization, I would say.

19 Q. Well who do you think should authorize
20 your leaving the Halifax pilotage area? Who do you think
21 you should get permission from?

22 A. The supervisor.

23 Q. Did the supervisor give you permission on
24 these occasions you mentioned?

25 A. Not that I recall.

26 Q. Why is that?

27 A. Because our numbers are in the book and
28 if anyone wanted to get in touch with us, even if we are
29 a little outside, it doesn't take very long to get back.
30 If there is an emergency coming up you generally know it.



1 Q. What would be the furthest you have gone
2 then during that week standby? 100 miles? 200 miles?
3 Just give me an idea.

4 A. In the vicinity of Sydney and Louisburg.

5 Q. And what is the quickest time that you can
6 get back here from Louisburg?

7 A. Six hours. Unless I go by plane. Plane
8 is one hour.

9 Q. So in an emergency situation you just
10 wouldn't be able to be here to carry out an assignment
11 would you? Isn't that correct?

12 A. I would say under those circumstances.

13 Q. That is correct?

14 A. Yes.

15 Q. Thank you.

16
17 BY MR. JACQUES:

18 Q. In view of your experience, both in the
19 Navy as docking master, as pilots, as relieving master
20 on merchant ships, I should like to have your opinion on
21 the knowledge required by a pilot here in Halifax. Do
22 you think that to be a good pilot in Halifax, a competent
23 one, a pilot that can do his job efficiently that he has
24 to know anything about what is known as a day's work
25 in the Navy, in the Merchant Navy, working up positions,
26 latitude and longitude and dead reckoning?

27 A. Give me the last part again please?

28 Q. Do you think that the pilot has to know how
29 to do a day's work to be a good pilot, and by "day's work"
30 I understand are the calculations which are done by a



1 navigator on a merchant ship in order to get his position,
2 his dead reckoning?

3 A. No.

4 Q. Do you think he has to know how to work
5 out meridian altitude?

6 A. I would say no, in my own case.

7 Q. Before people think there is a trap any-
8 where, there is no trap. I have before me the extract from
9 the Canada Gazette of 1957. This is Order in Council
10 PC 1957 -- 1498 entitled Master and Mates on Home Trade
11 Inland and Minor Water Vessels Examination Regulations.
12 I would like to know this witness's opinion on these
13 various aspects. Do you think that a pilot has to know
14 how to find a true azimuth of the sun by time azimuth
15 tables and work the ~~error~~ of the compass?

16 A. At times you could be called upon to.

17 Q. Do you think he should know how to use
18 a sextant?

19 A. Yes.

20 Q. What would be the use of a sextant to
21 a pilot?

22 A. Well necessary for angle, for distance
23 off, if necessary.

24 Q. Horizontal angle?

25 A. Horizontal angle.

26 Q. Coupled with the use of a station pointer,
27 is that what you have in mind?

28 A. Yes sir.

29 Q. Do you think he should know how to care for
30 a chronometer and calculate the daily rate of error?



1 A. No.

2 Q. Do you think he should have knowledge of
3 the use and operation of gyro compasses and depth sounding
4 devices?

5 A. Yes.

6 Q. Do you think he should know how to keep
7 a ship's log book and make entries therein?

8 A. Yes.

9 Q. Do you think he should know how to take
10 bearings with radio direction finding equipment?

11 A. Yes.

12 Q. Do you think he should be able to take
13 bearings by compasses?

14 A. Yes.

15 Q. Do you think he should be conversant with
16 the use of the chart on the Mercator or polyconic projection
17 and find from a chart or plan a compass course or courses
18 to steer?

19 A. Yes.

20 Q. He should. Do you think he should be able
21 to find a ship's position together with the set and drift
22 from two bearings?

23 A. Yes.

24 Q. Do you think he should be able to find the
25 ship's position and distance of the ship from an object or
26 any given position on bearings and the course and distance
27 run?

28 A. Yes.

29 Q. Do you think he should be familiar with
30 the way in which leeway, set and drift are applied to a



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course?

A. Yes.

Q. Do you think he should be familiar with the symbols and abbreviations on a chart?

A. Yes.

Q. Do you think he should understand chart courses and use of notice to mariners, sailing directions and light lists?

A. Yes.

Q. Do you think he should be able to find the approximate time of high and low waters?

A. Yes.

Q. Of course he should be familiar with the Canadian buoyage system?

A. Yes.

Q. Do you think he should have a practical knowledge of radar and plotting from radar?

A. Absolutely, yes.

Q. As regards seamanship, do you think he needs know any seamanship?

A. Yes.

Q. In what respect should he be familiar?

A. In respect to conditions and ship handling and various aspects.

Q. Ship handling, should he be familiar with the management of ships' life boats?

A. Well, to a certain extent.



1 Q. Should he be familiar with cargo handling
2 facilities and storage of cargo and preparation of holds
3 for the storing of cargo?

4 A. Not necessarily.

5 Q. Do you think he should have any knowledge
6 of the upkeep of a ship in general?

7 A. Not necessarily.

8 Q. Do you think that he should be familiar
9 with ship construction and ship repair?

10 A. Yes.

11 Q. Why, sir?

12 A. Well, to have an idea of what is involved
13 in repairs or costs and various other aspects of that
14 concerning ships in case of bumps or damage to propellers
15 or rudders in regard to holdups or how long it would be
16 if certain things happened to a ship, how long it would
17 be held in getting repairs done, and what cost would be
18 involved and various aspects.

19 Q. Do you think he should have any knowledge
20 of stability and seaworthiness?

21 A. Yes.

22 Q. Do you think he should be able to work
23 out problems of stability?

24 A. In a rough manner, yes.

25 Q. Do you think he should know anything about
26 storing cargos and ballasting procedure?

27 A. Yes.

28 Q. Do you think he should know how to adjust
29 a magnetic compass?

30 A. Yes, partly anyway.



1 Q. Do you think that he should have any
2 knowledge of masters' duties and other subjects such as
3 ships' business?

4 A. Yes.

5 Q. Why?

6 A. Well, it is all stock and trade of the
7 business. I mean just because a person goes in for a
8 pilot you still have to have knowledge of what the people,
9 what they are up against and what their business entails,
10 because in certain instances you give them all the assist-
11 ance you can and knowledge, and if you don't know, weren't
12 expected to know anything about the shipping business you
13 wouldn't know what to tell them. I think it is important
14 that you know quite a bit about ships' business and masters'
15 business.

16 Q. And lastly, needless to say he has to be
17 familiar with ship handling?

18 A. Yes.

19 MR. JACQUES: Thank you, sir.

20 THE CHAIRMAN: Might all this be summed up by
21 saying to be a good pilot he should know everything and be
22 conversant with everything about navigation of a ship?

23 THE WITNESS: Yes.

24 THE CHAIRMAN: And the other matters with regard
25 to cargo or relations to the crew and so on, he should be
26 conversant with that, but not necessarily an expert, as far
27 as that is concerned?

28 THE WITNESS: Right.

29 COMMISSIONER SMITH: One question, Captain: I
30 tried to find in my records a quotation from an authority



1 in the United States on pilotage. I think the work is
2 called Pilotage in America. Among other things he says
3 this that so far as pilotage is concerned the Master on
4 high seas is not at home when he gets into confined and
5 restricted waters no more than a pilot would be at home
6 when he is on the high seas. He goes on to say that it
7 is important that each should have a knowledge of the
8 language of the sea and other aspects of navigation, but
9 in other respects they are in two different categories
10 and far apart, one entirely in the navigation in confined,
11 restricted and dangerous waters and the other one operating
12 a ship in high seas with all the perils and hazards this
13 entails. I am not sure that I am quoting the man correctly,
14 but this is close enough. What would your opinion be about
15 that?

16 THE WITNESS: Well, Mr. Commissioner, from my
17 personal view of the situation, I am in the category of
18 both because when I began my career I was on coastal service
19 for several years and then I sailed deep most of the time
20 up until just prior to the war and from the start of the
21 war until after the war I had both experience in handling
22 ships in pilotage waters around harbours and docking and
23 leaving and relieving, so I became familiar in both cases.
24 I have never paid too much attention to the distinctions
25 between both. Some other views of other persons I have
26 been in contact with, in some instances it was a case of
27 persons that spent all their time on foreign going and
28 didn't reach port very often were kind of leery of coast.
29 Many of our people from this section of the country have
30 had numerous experiences both coast-wise and harbour work



1 plus outside work, and in many cases they are familiar
2 with both.

3 COMMISSIONER SMITH: I have secured a list of
4 the qualifications of the major ports in the United States.
5 New York and Sandy Hook pilots and possibly harbour pilots
6 have to have very high certificates, masters' certificates,
7 and I think in San Francisco they have to have masters'
8 certificates, and perhaps two or three other places, but
9 in the main in the ports of average size they don't require
10 those high class certificates of competency on the sea.
11 They do require coastal water certificates of competency
12 in inland waters, but in the main I find that there are only
13 a few ports that require a higher type of certificates for
14 pilotage navigation in the water.

15 THE CHAIRMAN: Any other questions?

16 MR. DICKEY: My lord, I am instructed by the
17 Pilots Committee that in view of the divergence of view
18 between some of the pilots with respect to the recent
19 negotiations conducted by the Department relating to the
20 status of the pilots that the Committee have indicated to
21 the other pilots that they would be glad to have them go
22 on the stand and state their position. In that light,
23 perhaps while Captain Maxner is on the stand the Commission
24 might like him to state what his position is on this.
25 We don't want to emphasize it but we do want to give every
26 opportunity for them to state the position.

27 THE CHAIRMAN: Of course if Captain Maxner has
28 anything to say that he thinks the Commission should know
29 it is up to him to decide. We are here to learn everything
30 about it.



BY MR. DICKEY:

Q. Perhaps you could state briefly

what your position is in connection with the approach made by the Department relating to prevailing rate employment?

A. Very good, sir. Before I come to their position and what went on I will state the terms of employment that were offered to us were similar to what I worked under previous, under my previous position as Government Ship Officer Pilot for the Royal Canadian Navy as a civilian. It worked very well up there. The salaries weren't very large, but we worked regular hours. We generally worked eight hours a day, five days a week. If there was an odd job done afterwards one of us would be detailed off to come in or stand by, and you would be given the time off later, or in recent years they managed to give a certain amount of overtime for extra work performed. It worked very well because it was set hours. Under the present thing that was presented to us it was very good, except the status was a little low, I figured, prevailing rate employee, in comparison to the position that the persons concerned held. If we worked set hours I think probably it could be very satisfactory. Working on a 24 hour basis with a diminished number of pilots, I figured would be practically impossible. I mean a lot of people would probably be doing a lot and others wouldn't do a fair share of routine. We would be under government employment. The set times for leave and days off and sick leave and various things would come into it that we don't have now. If one isn't working the others fill in and we have no set time. If everybody is required to be on they come and they are on duty without any compensation. When they get a chance



1 for leave they go, but under the other arrangement that
2 would be laid down. It would be set out for them.

3 MR. DICKEY: That is all I have, sir.

4 MR. JACQUES: You were a member of the Pilots'
5 Committee, were you not?

6 THE WITNESS: Yes.

7 THE CHAIRMAN: When?

8 THE WITNESS: From April, 1962 until April, 1963.

9
10 BY MR. JACQUES:

11 Q. During that time were there any meetings
12 called to discuss the government proposal?

13 A. Several.

14 Q. Who was at these meetings?

15 A. Everyone that were interested.

16 Q. All pilots?

17 A. All pilots that were interested.

18 THE CHAIRMAN: Those meetings were called by
19 whom?

20 THE WITNESS: The Pilots' Committee, sir.

21 Q. Do you know the attendance at these meetings?

22 A. I think the most that were at any one meet-
23 ing, I think that on one occasion we had about 85 per cent
24 of the total.

25 Q. Nearly all the pilots?

26 A. Yes, and possibly there were one or two
27 working, and maybe one sick or something like that.

28 Q. Could you for the benefit of the Commission
29 sum up the reasons why the pilots, or a group of pilots
30 have turned down the offer of the government? Are you able



1 to tell us the main objections?

2 A. There is many. I can't bring them all
3 to memory right now. The main thing as we see now, we
4 would like to stay free, in one sense of the word. That
5 is the biggest item. The next thing is the routine we
6 work. Everybody is used to it and they would like to stick
7 by a similar routine. If we go under the Department we
8 don't know what the routine would be or how many influences
9 would be against us.

10 COMMISSIONER SMITH: When you say "free" are you
11 meaning you are engaged in free enterprise activity?

12 THE WITNESS: It is similar to that, sir.
13 We are under the jurisdiction of the Department of Trans-
14 port in the Pilotage Authority, but I mean we work in
15 unison and everyone has his fair share. We work in a
16 rotation. It is a simple operation and more or less it
17 means our own thinking concerning our own job, and what
18 we have to do. We are kind of concerned with what would
19 change and how to get back to where we are, and it is
20 practically impossible. That is one of the big reasons.

21 Q. We are given to understand that the
22 pilots here are divided just about equally, a certain number
23 for and a certain number against; is that correct?

24 A. Yes.

25 Q. Would you be aware of the exact number of
26 pilots who are against the government plan?

27 A. To my knowledge it is nine.

28 Q. Nine against?

29 A. Nine.

30 Q. Nine against the government plan. Was the



1 problem of detention taken into account by this group of
2 nine?

3 A. We took everything into account. We
4 reduced the thing until it was exhausted, and when it
5 came out in the balance -- previously when the whole thing
6 started there was no negative view taken at all. We
7 were requested to take a positive look at the whole
8 situation which we did for two years, and on the strength
9 of that it almost went over. I think when the chips
10 were down and everybody took a real close look and figured
11 out the pros and cons, that is when the final decision
12 was made and every possible aspect was explored and
13 exhausted and for the time being we decided on the way
14 we are. That is how it came out. There was nothing
15 beforehand as to how it would come out. When the smoke
16 cleared there was nine against, and apparently nine for.
17 That is the way I think it remains at the present time.

18 Q. You pay, of course, five per cent into
19 the pension fund?

20 A. Five per cent of the gross earnings.

21 Q. Are you in the same position as Captain
22 Cook? Are you ever going to get anything out of it?

23 A. I don't expect to.

24 Q. Why?

25 A. Because we are paying five per cent of
26 the gross earnings in and as far as I am informed verbally
27 and otherwise that I have no claim for any pension from
28 that fund. It is maintained for persons who are already
29 on pension and a certain number that will be going on pension
30 of the permanent employees.



1 Q. Was that particular aspect of your problems
2 discussed at the same time you discussed the possibility
3 of becoming prevailing rate employees?

4 A. You mean with regards to our pension?

5 Q. Yes?

6 A. Oh yes, and we think maybe in the future
7 that something can be done because there is quite a credit
8 balance in the pension fund and when the people that are
9 on pensions get fewer and there are fewer going on and
10 the fund builds up, I think maybe in the future it could
11 be maybe a little more payments made and probably prorate
12 a rate giving everyone a fair pension.

13 Q. In fact, if I understand you correctly you
14 were thus hoping that things would be set right by the
15 time you are ready to take your pension and you would be
16 able to take a pension?

17 A. Not necessarily, not myself because I made
18 other provisions of my own. I am not concerned too much
19 with that. However if it was the case of just a pension
20 I would have stayed where I was in the dockyard because
21 they have a good pension scheme up there.

22 Q. Now, sir, I am instructed before any
23 correspondence was exchanged by the Department of Transport
24 and the pilots individually there was a meeting here in
25 Halifax and the Chairman of the meeting was Captain Seeley,
26 and some experts came down from Ottawa and discussed your
27 becoming government employees or prevailing rate employees.
28 Do you recall that meeting?

29 A. I do.

30 Q. You were there?



1 A. Yes.

2 Q. Were you a member of the Committee at the
3 time?

4 A. No.

5 Q. You weren't?

6 A. No.

7 Q. Do you recall the approximate date of that
8 meeting?

9 A. It was somewhere, I don't know, around the
10 11th or 12th of July, in that vicinity.

11 Q. Of what year?

12 A. 1961.

13 Q. 1961. Do you recall what was said at that
14 meeting?

15 A. Well, we had a round table discussion,
16 mostly about our thoughts and views. The administrative
17 authority from the Department of Transport was there,
18 and Captain Seeley and I think probably there were one or
19 two more officials. I am not sure. We had a good
20 representation of our own, most of the pilots were there
21 and they heard what was said and we digested it and had
22 a few questions to ask ourselves. We received a few
23 answers and it was to be resolved that further investigation
24 to be made in Ottawa and probably in Halifax and just see
25 what they could offer us or guarantee us in staff and
26 wages and fees and various other aspects. That is the
27 way it stood for the time being until we received a letter
28 in the mail, the 31st of December, mine, dated December
29 20th, 1962 and all the things that were spoken of were
30 outlined in this letter, as I remember it.



1 Q. At that particular meeting was the manner
2 in which further negotiations would be carried out discussed?

3 A. Could you explain "in what manner"?

4 Q. I didn't want to lead you. Was there any
5 request by the pilots that these problems be dealt with by
6 the Pilots' Committee on behalf of the pilots?

7 A. I couldn't say for sure.

8 Q. You couldn't say for sure?

9 A. But we asked them for certain things and
10 that is why probably it took so long for these letters to
11 come back. One aspect of the whole thing was to make sure
12 we reviewed the thing in the right light, and to get the
13 most out of it. We were told or requested to take a positive
14 attitude towards the whole thing, which we did, and it
15 wasn't until later on that we took the other side of the
16 picture and put the two together to see what we came up
17 with. That was why there was so much time left, I should
18 imagine.

19 Q. Were you then advised by the representative
20 of the various Departments concerned that in the future
21 they would deal with each pilot individually?

22 A. There was something to that effect. Of
23 course, I don't know if it was to undermine the power of
24 the Committee or not, but I took the view it was to give
25 everyone a fair chance to review the thing on his own and
26 have time to think it out in his own way in his own time,
27 and then when they went to the meeting you could know what
28 it was about rather than just hear part of it.

29 Q. I see. Did you know the members of the
30 Pilots' Committee for that year?



1 A. I knew them at the time, but I don't
2 remember exactly who it was now.

3 Q. Do you recall if they were present at that
4 meeting?

5 A. The first meeting?

6 Q. The first one?

7 A. As far as I can recall they were.

8 Q. To the best of your memory did any
9 member of the Pilots' Committee make any objection to the
10 manner in which the Department was approaching pilots
11 in that respect, in respect of becoming government
12 employees?

13 A. If I can remember correctly no one was
14 approached illegally up to that period. We were all inform-
15 ed that these officials would be in town and they requested
16 our presence at a meeting at a certain date, at a certain
17 time, and we all went there. Here is what was said. There
18 was nothing else done about it over a year and a half, and
19 it was only then that we knew there was anything still going
20 on, when we received our letters, which was only six months
21 ago.

PS 22 And being as the letters came individually, they
23 were more or less answered individually, but there was a
24 meeting concerning it during that period, you know, after
25 we received the letters, the first part of this year, 1963.

26 Q. Now sir you have been in attendance through-
27 out the hearing have you not?

28 A. Yes.

29 Q. You have heard all the evidence. Is there
30 anything in fact which has been left out by myself or by



1 any of the other counsel that should be brought, that you
2 think should be brought to the attention of the Commission?

3 A. Not just concerning this take-over?

4 Q. No, generally speaking as regards pilotage
5 here in Halifax?

6 A. There is one big item that I think was
7 omitted, not intentionally or anything.

8 Q. That is not implied in my question. I did
9 not imply that anything was left out intentionally.

10 A. In the question period yesterday about
11 obstructions to our traffic in the main channel of the
12 harbour, we have one big obstruction that I didn't hear
13 brought out. I don't know whether it was brought out, but
14 during racing season at the mouth of the Halifax harbour
15 at times the mouth of the harbour is blocked off completely
16 with yachts, as many as 250 in the one vicinity when we
17 were trying to get in and out.

18 Q. I think it was mentioned at the early part
19 of the investigation by Captain Crook.

20 COMMISSIONER SMITH: Are those yachts in the
21 fairway?

22 THE WITNESS: Yes sir, in both fairways.

23 COMMISSIONER SMITH: I thought there was some
24 regulation governing that.

25 THE WITNESS: There is one thing in particular,
26 I don't know if it was mentioned, the start of the main
27 race takes places between Ives Knoll buoy and the breakwater.
28 That is their starting point.

29 Q. You are referring to the breakwater at the
30 yacht club?



1 A. The breakwater at the yacht club. Any
2 yacht club that is engaged in competition in these races,
3 they all come to that area waiting for the starting gun,
4 which in most cases, certain type of competition is two
5 o'clock on Saturday afternoon which in some cases is a
6 sailing time for various types of ships, some passenger
7 ships, and they will run back and forth one after another
8 right across that channel.

9 THE CHAIRMAN: They are sailboats?

10 THE WITNESS: Yes sir. Maybe 50 in a bunch, so
11 that it takes in the whole area like that, and then away
12 they go (indicating), until it is time for the race, and
13 then they will take off.

14 THE CHAIRMAN: When you said "away they go" you
15 made a circle there?

16 THE WITNESS: Yes. Of course that is the only
17 main channel entrance that we can get in or out of, so it
18 causes quite a concern.

19 Q. I would think so sir.

20 A. While that is going on, of course, some of
21 the other races may have started and some are getting
22 ready to start, other types of boats, and they are in
23 groups in various positions around the same area, so you
24 are watching them, trying to ease your way through these
25 other ones, generally have to just come up to them, push
26 them aside and go through them.

27 THE CHAIRMAN: Do those sailboats respect the
28 rules of the road?

29 THE WITNESS: No sir.

30 THE CHAIRMAN: Do they keep clear of you?



1 THE WITNESS: No.

2 Q. Do you have to push them aside, as you say?

3 A. Generally push them aside and they will go
4 down the side.

5 Q. Thank you sir.

6 THE CHAIRMAN: While we are on the subject of
7 obstructions, I heard somewhere that there is something like
8 a speed range used by the Navy at times. Would that
9 impede you in any way? What is it?

10 THE WITNESS: One in particular sir is in the
11 same area as I was just mentioning, and it's a sound range.
12 They use variable speeds when they are running this range.
13 The range is in the vicinity of Inner Middle Ground Buoy,
14 to Outer Middle Ground Buoy and it takes in that whole
15 section and they run north and south, and also east and
16 west.

17 THE CHAIRMAN: In the channel?

18 THE WITNESS: In the channel. They generally
19 notify us when it is taking place, how long it will be in
20 progress, during what part of the day.

21 THE CHAIRMAN: Could that be a hazard?

22 THE WITNESS: Yes, if they didn't give us notice,
23 and generally done in clear weather. When they see us
24 coming, if they are on the range, they will go off to one
25 side until we pass, and then make another run.

26 THE CHAIRMAN: I understand they go pretty fast
27 at times?

28 THE WITNESS: On that particular range I haven't
29 seen them go over 16, in the vicinity of 16 to 18 knots.

30 On the other range outside on the measured mile, they go



1 various speeds. May go anywhere from probably four knots
2 to 30. That is on the western side of the approaches for
3 Bier Cove.

4 THE CHAIRMAN: Would that be a nuisance to you
5 also?

6 THE WITNESS: It is parallel to our outside
7 channel. They generally keep to one side so we have
8 plenty of room to manoeuvre.

9 MR. DICKEY: Perhaps my lord the witness may show
10 that on the chart. Captain Maxner I show you Exhibit 359
11 which is the chart 4385, Osborne Head to Betty Island.
12 Would you indicate in red the location of the measured mile,
13 speed range on that chart? (Witness indicates.)

14 Q. That is in the general area of Bier Cove
15 to Camperdown. Are there any monuments on the shore
16 establishing the measured mile?

17 A. Yes sir, there is triangle beacons, two on
18 each end.

19 MR. DICKEY: The record should show the witness
20 has circled in red the speed range, measured mile in the
21 general vicinity on the west shore of the approaches to
22 the harbour inside the inner automatic buoy and between
23 the inner automatic and Lichfield and Neverfail shoals.
24 Thank you.

25

26 Q. Could you tell us what they do on these
27 sound ranges?

28 A. That is classified information, I have no
29 knowledge.

30 Q. That is what I thought.



1 THE CHAIRMAN: Coming back to the question of
2 the change of status of pilots, you said that many meetings,
3 or several meetings were called by the Pilots' Committee.
4 Now were those meetings only for pilots, or were those
5 meetings called to meet Government officials at the time?

6 THE WITNESS: The ones I referred to sir were
7 just our own personnel.

8 MR. JACQUES: Except the first one?

9 THE WITNESS: Well I was just speaking of the
10 ones that we called, just concerning the pilots.

11 THE CHAIRMAN: That was my question. Of course
12 you don't know what went on, from personal knowledge,
13 between the Pilots' Committee prior to you being appointed
14 there?

15 THE WITNESS: No sir.

16
17 BY MR. LANGLOIS:

18 Q. On the same subject Captain Maxner when
19 was this meeting called by Captain Seeley? When was it
20 called? Do you remember the year?

21 A. The first meeting sir?

22 Q. Yes?

23 A. It was in July 1961.

24 Q. Was Captain Seeley at the time superintend-
25 ent of pilots in Halifax or had he already been transferred to
26 Ottawa?

27 A. I can't say offhand. I don't just remember
28 if he was still superintendent here or if he had gone
29 to Ottawa.

30 Q. Would you remember how this meeting was



1 called? How were you invited to the meeting and by whom?

2 A. We were notified by our office. We were
3 sent notifications by letter and by telephone.

4 Q. What do you mean by "our office"?

5 A. The Pilotage Authority office in Halifax.

6 Q. The supervisor's office?

7 A. Yes sir.

8 Q. Was there at the time an explanation given
9 by Captain Seeley as to why this matter was taken up
10 directly with you instead of being taken up with the
11 Pilots' Committee?

12 A. The only thing I can answer to that they
13 wanted all the pilots to know of the proposal and to hear
14 what Mr. Roy Baxter had to say concerning their side of
15 the story.

16 Q. Was your attention drawn to the fact this
17 was a violation of your own by-laws?

18 A. No sir.

19 Q. Thank you very much sir.

20 THE CHAIRMAN: We will adjourn for a few minutes.

21

22 --- SHORT RECESS:

23

24 ---FOLLOWING SHORT RECESS:

25

26 MR. DICKEY: My lord, Commission counsel has
27 indicated that he believes the Commission would be interested
28 in some brief evidence relating to the former apprenticeship
29 system that was in force in Halifax some years ago. Now
30 one of the senior pilots, Pilot Sullivan, worked under that



1 system and has personal knowledge of it and I would be
2 glad to call him to the stand.

4 ROY SULLIVAN, Sworn

5 THE SECRETARY: What is your name and position
6 please?

7 THE WITNESS: Roy Sullivan, Halifax pilot.

8
9 DIRECT EXAMINATION BY MR. DICKEY:

10 Q. Now Captain Sullivan I understand that
11 you were appointed to the Halifax Pilotage Service in June
12 of 1929. Is that correct?

13 A. Appointed as a pilot.

14 Q. And at that time there was an apprentice-
15 ship system in force and that you served under that system
16 and have personal knowledge of it?

17 A. Yes sir.

18 Q. Would you be good enough please to briefly
19 outline what the arrangements for apprenticeship and
20 eventual appointment of pilots was at that time in the
21 Halifax District?

22 A. Well apprentices were advertised for in the
23 year 1919 and 1920, November, and made application and were
24 called in for examination, preliminary examination, as to
25 eye test and physical, and so forth, and the first week of
26 January 1921 four of us received appointments, and my
27 appointment as apprentice was January 10th 1921.

28 Q. What service did you then do as an apprent-
29 ice? What training did you receive up to the time that
30 you were actually appointed a pilot?



1 A. Well I guess we did everything that was
2 associated with the pilot service because there were two
3 apprentices and anything that was required the apprentices
4 were expected to do. By that I mean keep the boat in
5 shape, paint, scrape moss, sludge, tar, remove
6 sails, replace sails, repair sails and all the running
7 gear.

8 In addition to that, we rode the pilots back and
9 forth. It was done at that time in sail vessels and we
10 handled and rode small boats. The indenture period was
11 a period of five years. During the last three years of
12 that period we were supposed to make at least 50 trips to
13 sea with the pilots on moves inwards and outwards on various
14 ships.

15 Q. Do you recall how many active pilots there
16 were at that time?

17 A. That particular time there was in the
18 vicinity of 20 to 22. 22 I think at the time, in 1925 and
19 1926. At the end of that apprenticeship, we were supposed
20 to make what they considered to be several trips at sea. At
21 the end of our apprenticeship, we were told that our appren-
22 ticeship was finished. We had to go to sea for several
23 trips. "Several trips" was pretty indefinite, so we all
24 sailed on foreign ships and arrived back in the vicinity
25 of April of the next year and we were informed by the then
26 superintendent that we still required several more, so we
27 went away for several more and arrived back and they told us
28 to stand by, which we did.

29 Eventually this was running into nearly seven
30 years now and we were causing a lot of trouble with the then



1 superintendent in Ottawa about receiving a licence. It
2 was Captain Robertson at the time and on his visit here,
3 I approached him and I guess I was being too annoying,
4 more annoying than anything. He told me that come and talk
5 to him when I received a mate's coasting licence and in
6 all probability I would get one then but not before. It
7 was pointed out to him it was not required in the indenture.
8 He said regardless of what the indenture said you will
9 probably get a pilot's licence when you get a mate's
10 coasting certificate, so it meant we all had to go to sea
11 again because the time spent on the pilot boat was not
12 considered sufficient time for a coasting licence so it
13 meant we all packed up and went away to sea and were another
14 year and a half or year and three months and then came back
15 and we were told then when we produced the certificates,
16 which we did -- anyway, we sat for the coastal licence
17 and they said all right now you can sit for your pilot's
18 licence and we passed and I received what they call the
19 temporary licence on the 1st of June 1929 and that was made
20 permanent on the 1st of July of 1929.

21 Q. And you have been continuously employed?

22 A. Continuously employed as a pilot since that
23 time.

24 Q. Captain perhaps the Commission would also
25 be interested in whatever you might wish to say about the
26 loss of the Hebridean on which you were, I think, one of the
27 only survivors?

28 A. One of two. That happened in 1940. The
29 war was in progress approximately six months or more. It
30 happened on March 28th, I recall, approximately in the



1 vicinity of 10:30 at night.

2 Q. What were the weather conditions at the
3 time?

4 A. The weather conditions, and visibility
5 was very good. The wind was about north, northwest approx-
6 imately 15, 16 miles an hour, what we consider good
7 weather. There was a very heavy southeast swell running,
8 because apparently within a few hours the wind had been
9 southeast and that was causing quite a long swell. Nothing
10 that would affect a small boat, or the pilot boat but there
11 was quite a heavy swell and it was a starlit night, very
12 dark, temperature in the vicinity of, I don't know if it
13 makes any difference, but around about freezing; water
14 temperature about 29 or 30. It's around the freezing mark.

15 Q. What month was this?

16 A. March 28th.

17 Q. Would you tell us briefly what occurred?

18 A. Well the only thing I can recall is after
19 it happened because I come out, I done a couple of ships
20 that day. I had arrived out about seven o'clock and I
21 was informed by the superintendent, Captain Reside at that
22 time to inform the pilot captain -- this had to be done
23 verbally because at that particular time the Navy forced
24 us to discontinue the use of our small radio that we had
25 contact with Camperdown with, to tell them to pick up all
26 the pilots he could to be ready for a convoy which was
27 about to arrive in the morning.

28 Anyway, I think it was about nine o'clock they
29 decided to proceed to Herring Cove where three pilots,
30 Dempseys by name, had just finished their job, they allowed



1 them sufficient time to dock the ships, and proceed to their
2 homes in Herring Cove and they would come there and pick
3 them up. They picked them up in the vicinity of nine
4 o'clock. Came back to the pilot station and then a ship
5 was sighted when we were in the vicinity of somewhere past
6 ten o'clock, ten or eleven, and at that particular time the
7 lights on the vessel were dim, both stern light and head
8 light, running lights so I had turned in about twenty past
9 ten and the next thing I remember was a crack and a bang
10 and I jumped out and everything was in darkness. I landed
11 in water in the cabin up to my knees.

12 On the way up, we didn't know what was happening,
13 didn't know if we were the only ones aboard or not, eventually
14 bumped into two or three other persons, who turned out to
15 be pilots doing the same thing that I was doing. We arrived
16 up on the deck and across the ship's bow, she had -- the
17 stem was in on the main rigging and she was pushing us
18 through the water at the rate of three or four knots,
19 causing quite a list and quite a broadside wave, and being
20 in just a suit of underwear, it was rather chilly.

21 We had one boat. I had no knowledge of what
22 became of the other boat. We endeavoured to raise this
23 boat off the deck and put her on the rail. It was in the
24 dark, you couldn't see exactly but there must have been
25 eight or ten men. We hoisted the boat up and dropped her
26 in the water -- dropped it to the rail. This big sea was
27 about to come in over the boat so I shouted to hold her
28 because if we dropped her in the water she would upset and
29 within a minute the boat just collapsed and sank.

30 The first thing I knew, or I remember looking up



1 and seeing the black hull passing directly astern. I
2 could hear voices. I was doing some shouting myself in the
3 hope they might throw a life buoy, or something. Eventually
4 I saw what looked to be a boat, but turned out to be a
5 life buoy. I don't know where it came from. A guardian
6 angel or somebody sent it. I managed to cling to it and
7 I remember after that seeing a light. I didn't know what
8 light it was, but it turned out to be a flashlight.
9 Apparently the boat crew came back and heard my voice.
10 I don't remember them picking me up or anything and I
11 didn't come to until about, I guess it was about four-
12 thirty in the morning in quarantine with the doctors, and
13 so forth. That's the only story I can give you.

14 Q. What was the loss of life on that?

15 A. The loss of life was six licenced pilots,
16 an engineer, a boatman, a spare boatman, deckhand and
17 ship's cook. Nine men. Two, as I say, were saved.
18 Captain Himmelman who is presently a pilot. I dare say
19 his experiences were similar to mine.

20 Q. That is all I have.

21
22 CROSS-EXAMINATION BY MR. JACQUES:

23 Q. As regards your apprenticeship, when you
24 received the temporary licence did you again have to serve
25 another apprenticeship; to go on ships with other pilots?

26 A. No. When we received what they considered,
27 it's the same licence I have today, the date was changed --
28 previous to that they were giving what was considered to
29 be a second class licence but that was done before the
30 Government took over the pilotage service and they couldn't



D3 1 see why a second class licence was a valid licence. They
2 were employed for a period of five years apprenticeship.
3 That is previous to my coming. I came in 1921 and all
4 pilots previous to that were employed, indentured for a
5 period of five years and the expiration of two and a half
6 or three years, they were granted what was considered to
7 be a second class licence, and in doing that their licence
8 was restricted or confined to the limit of about 15 hundred
9 tons net which they continued piloting, and when they
10 reached the five years, and the record was good, they were
11 given what they considered to be a permanent licence and
12 in my particular case, I was given what they considered to
13 be this licence and they called it temporary and I was
14 confined to a limit of 15 hundred tons net from the first
15 of June until the 1st of December. This is mentioned in
16 the thing, and then it was considered permanent but my
17 tonnage was increased from 15 hundred tons net to a limit
18 of five thousand tons net for the balance of the year until
19 next June and then it was eliminated entirely, so I was
20 restricted for one year to the limit of 15 hundred tons
21 for six months and five thousand tons for the second six
22 months.

23 Q. After you had served your apprenticeship,
24 that is you had made your various number of trips a year,
25 do you consider that at that particular moment you were
26 competent to act as a pilot in Halifax?

27 A. Being young, I did.

RPS 28 I was 24 years of age and I felt, I would say
29 I had more confidence then than I do now, which was
30 erroneous. You find things out as you go along.



1 Q. Looking back over the years do you now
2 think that you were competent then?

3 A. I think as far as I can recall during those
4 first six months I had no concern whatsoever.

5 Q. I am talking about when you were a pilot,
6 after you had completed your apprenticeship you had
7 served on the pilot boat and you did so many trips a year
8 and then you were sent to sea. Just before you were sent
9 to sea after you had completed your service on the pilot
10 boat and also your service on the ships with pilots do you
11 at that moment consider you were qualified to be a pilot?

12 A. I would say the essentials were learned
13 during that period and all other experience I learned was
14 useful. I would say the only thing I gained from my sea
15 going experience was in the matter of handling ships and
16 manoeuvring of tied vessels under special circumstances,
17 docking them at keys, leaving keys, and that sort of thing.
18 That was very beneficial. With regard to my local know-
19 ledge of taking ships in and out I think at that particular
20 time with the limited size I was handling I considered
21 myself competent.

22 MR. JACQUES: Thank you very much.

23 COMMISSIONER SMITH: If your lordship please
24 in connection with the Captain's evidence with regard to
25 the tragedy of the Hebridean I have here the judgment of
26 the Honourable Mr. Justice Carroll who investigated the
27 tragedy. I don't know whether your lordship would want
28 to have that as part of the record or not. Shall I read
29 it?

30 THE CHAIRMAN: Yes.



1 COMMISSIONER SMITH: I will leave out some of
2 the paragraphs which are only recitals and come down to
3 the judgment: "The commissioner was of the opinion that
4 "the captain in charge of the pilot boat was
5 "guilty of an error of judgment in attempting
6 "to cross ahead of the 'ESMOND' without allowing
7 "a proper margin of safety. He added, however,
8 "that if the master of the pilot boat had no
9 "knowledge of any defect in the engine of the
10 "boat, and if the engine stalled while he was
11 "crossing ahead of the 'ESMOND', this would
12 "remove any suggestion of error in judgment."

13
14 CROSS-EXAMINATION BY MR. ANDERSON:

15 Q. Captain Sullivan, during the war what was
16 the average number of merchant vessels, and I am not
17 taking about Naval escort vessels, merchant vessels,
18 convoys, what would be the average number?

19 A. The average number of ships in the convoy?

20 Q. Yes?

21 A. It varied. I think about the greatest
22 convoy was in the vicinity of maybe 60, 70 ships.

23 Q. As high as 60 and 70. How many pilots
24 were on the roster at the period the convoys of 60 and 70
25 ships were leaving?

26 A. It would be a guess, because we had a peak
27 number, if I remember correctly, in the vicinity of 46 or
28 47, and then through resignations, through some reason or
29 another, we finally came and steadied then in the vicinity
30 of between 36 and 38. That is a rough figure.



1 Q. When these convoys of 60 or 70 ships
2 were departing from Halifax of these say 36 to 40, how
3 many of those pilots would be engaged at that time?

4 A. At that particular time all pilots.

5 Q. All pilots?

6 A. All pilots that were well and able to per-
7 form the work would be on duty and handling these ships.

8 Q. How many in number would it be?

9 A. The number working on that particular
10 convoy?

11 Q. My point would be were there any sleeping
12 at home or would the whole roster be engaged at that time
13 in moving ships out of the harbour?

14 A. With a convoy in there nobody sleeps.

15 Q. The whole roster would be engaged?

16 A. The whole roster would be engaged.

17 MR. ANDERSON: Thank you.

18

19 CROSS-EXAMINATION BY MR. LANGLOIS:

20 Q. Captain Sullivan, one pilot could be
21 called upon to pilot more than one ship of these convoys?

22 A. That is true.

23 Q. You had, in I recall correctly, a fast
24 pilot boat that could take pilots in and out, to Bedford
25 Basin?

26 A. In most cases the Navy provided return
27 fast boats and they would pick us up, many a dozen at a
28 time and run back and meet the convoy as they came out.
29 Sometimes we would meet these moving down the harbour and
30 other times we would have to proceed to the Basin.



1 THE CHAIRMAN: Any other questions? Thank you,
2 Captain Sullivan.

3 MR. DICKEY: My lord, as I stated earlier the
4 Pilots' Committee indicated to all the pilots they would
5 be free to give evidence. I understand there are no
6 other pilots that wish to be called by me. Those are
7 the witnesses I propose to present.

8 MR. JACQUES: Captain Hartling wishes to
9 address the Commission, sir.

10
11 ERNEST HARTLING, Sworn

12 THE SECRETARY: Your full name?

13 THE WITNESS: Ernest Hartling.

14 THE SECRETARY: Halifax pilot?

15 THE WITNESS: Yes.

16
17 DIRECT EXAMINATION BY MR. JACQUES:

18 Q. Captain Hartling, I believe you have
19 prepared a brief to be submitted to the Royal Commission
20 but that this brief is not printed or typed in the required
21 number of copies. If you wish you may read your brief into
22 the record.

23 A. Thank you, sir. It is not a brief, my
24 lord. It is a series of submissions that I have noted in
25 longhand.

26 I would like, if I may, my lord to establish first
27 that the 18 pilots at Halifax are divided in four categories.
28 That is there are two pilots, Captain Sullivan who just
29 left the witness stand and Power who came into the service
30 through the apprenticeship system which was in vogue from



1 the beginning of pilotage at this port. We have another
2 group who were brought in during the war and were made
3 permanent and still retained their licence.

4 Q. How many would there be in that group?

5 A. I will give you that information, sir.
6 Two from the apprenticeship system. Eight who came in
7 during the early war years and remained in as pilots.
8 Four who came during the war period and weren't made
9 permanent, were discharged at the conclusion of the war
10 period, and later were re-employed to fill vacancies
11 that existed. Then, the last group of four that joined
12 in the regular manner as vacancies occurred. I mention
13 this because it is a direct opinion of the division of
14 the pilots concerning government employment, also in
15 the very important matter of the pilots' pension matter
16 and how each individual pilot has benefited thereby.

17 The part that I would like particularly to read
18 to the Commission is that dealing with the pension fund:

19 "There have been many representations made
20 "to the Government of Canada and to the Shipping
21 "Federation of Canada by the Halifax Harbour
22 "Pilots. These representations have brought
23 "considerable progress in the direction desired by
24 "the pilots. The matters of boat costs, operation
25 "and maintenance, the setting up of a dispatching
26 "service and the upward adjustment of pilotage
27 "rates to provide a decent level of remuneration
28 "for the pilots have been fairly dealt with.
29 "The one exception is the Halifax Pilots' Pension
30 "Fund and this is the major contention the Halifax



"Pilots wish to present to your Commission."

"The Halifax Pilots' Pension Fund started
"from a benevolent fund set up by the pilots
"for the puprose of assisting members who
"were in need and the money was raised by a
"percentage of the gross earnings being set
"aside from the collections of the pilotage
"revenue in the District. The fund was admin-
"istered by the pilots all collections and
"benefits being decided by them. At the time
"the Halifax Pilotage District came under the
"operation of the Federal Government the by-laws
"then drawn up by the Pilotage Authority provided
"for the continuation of this fund and it
"was then designated, in the by-laws, as the
"Halifax Pilots' Superannuation Fund. At this
"time the Government of Canada assumed full
"control of the fund. The officer of the
"Department of Transport and Department of Fin-
"ance controlled all investments and every phase
"of operation. The pilots were never consulted
"as to investments and were provided at the
"end of each fiscal year a statement from the
"Department of Finance showing what this Depart-
"ment had done with the funds from the preceding
"year.

"The by-laws stipulated that five per
"cent of the gross earnings be paid to the pension
"fund. The benefits payable were \$30. for each year
"of service. The deduction for pension was later



1 "set at 7 per cent of gross and benefits increased
2 "to \$40. for each year of service. This was
3 "done without benefit of an actuarial study
4 "of the fund."

5 "The loss of the pilot vessel 'Hebridean'
6 "and the drowning of several pilots in 1940
7 "coupled with the addition of extra pilots for
8 "wartime duty and quite properly returning to
9 "these men their contributions to the fund at
10 "the time of their dismissal along with
11 "ordinary retirements placed a heavy burden
12 "on the fund."

13 "The pilots pressed the Government for
14 "some sort of relief from the extreme financial
15 "burden being placed on so few men. The pilots
16 "further pressed the Government for some realistic
17 "approach to the pension fund that would provide
18 "pilots with a retirement pension commensurate
19 "with the money they were paying into the fund.
20 "All this was consuming years of time and as
21 "a result of the long period of representation by
22 "the Halifax Pilots and their presentation of such
23 "an intense study of the Superannuation Fund
24 "backed by reports from the actuaries,
25 "the problem of the pilots pension was
26 "studied by the Audette Commission investigating
27 "Canadian Pilotage 1949."

28 "The actuaries reported that a pension
29 "fund having so few members to provide contri-
30 "butions could not function properly and proposed



1 "the amalgamation of the pension funds of the
2 "Pilotage Districts of ~~Saint~~ John's, Halifax,
3 "Sydney, Quebec, Montreal and Vancouver but
4 "added that even after this was done a deficit
5 "of \$1,500,000.00 would exist in the amalgamated
6 "pension funds. It was a recommendation of the
7 "Audette Report November 29th, 1949, that
8 "the amalgamation take place and the Government
9 "of Canada subscribe the \$1,500,000.00 necessary to
10 "make the amalgamated fund actuarially sound."

11 "The District of Vancouver was the first
12 "to dissent and informed the Halifax Pilots'
13 "Committee by letter that Vancouver was pursuing
14 "its separate way and its own pension fund.
15 "Montreal and Quebec later advised they were
16 "continuing their own pension plan and were not
17 "interested in amalgamation."

18 "The Halifax Pilots requested permission to
19 "liquidate the pension fund and have returned to
20 "active pilots and pensioners the equity
21 "each had in the fund. The legal officers
22 "of the Department of Transport reported this
23 "was not allowable and that all pensions now in
24 "force must so remain. It was further directed
25 "the the Canada Shipping Act provided that five
26 "per cent of gross earnings of the District were
27 "to be deducted for payment to the pension fund
28 "and a greater deduction if at any time the
29 "honourable the Minister of Transport as Pilot-
30 "age Authority considered same to be necessary.



1 "The pilots continued to correspond with
2 "the Pilotage Authority and by letter of March
3 "4th, 1953 the Honourable the Minister of
4 "of Transport advised the Halifax Pilots'
5 "Committee as follows:

6 " 'The Government of Canada was
7 " 'prepared to make a compassionate payment
8 " 'of \$45,000.00 to the Halifax Pilots'
9 " 'Pension Fund contingent upon an increase
10 " 'to ten per cent of pilots contributions
11 " 'and the Honourable the Minister consider-
12 " 'ed this would place the fund in a fairly
13 " 'satisfactory condition. The actuaries
14 " 'advised that no increase in benefits could
15 " 'be granted from these additions to the
16 " 'fund and that benefits would remain at
17 " '\$40. for each year of service.' "

18 "The pilots were pleased to receive this
19 "financial aid and immediately agreed to increase
20 "their contributions to pension from seven to
21 "ten per cent of gross earnings of the District.
22 "The problem of providing a reasonable pension
23 "for pilots remained unsolved, however, and the
24 "pilots agreed upon the following procedure. To
25 "conclude payments of all benefits from the
26 "pension fund for present active pilots as
27 "of March 31st, 1956. To continue the forced
28 "payment required by federal law amounting to
29 "five per cent of the gross earnings of the
30 "District to insure payment of all pensions in



1 "force. All pilots with less than five years
2 "service would have returned to them the share
3 "of contributions agreed to by the Government of
4 "Canada. They further agreed to withhold from
5 "gross earnings of the District an additional
6 "ten per cent of gross earnings to be used to
7 "purchase pensions for the ten active pilots.
8 "It was suggested by the pilots and agreed by
9 "the officers of the Pilotage Authority that the
10 "additional ten per cent deduction would be used
11 "to purchase Government of Canada Savings Bonds
12 "for the individual pilots these bonds to be
13 "set aside and retained until the pilots retire-
14 "ment when they would be used for his superannu-
15 "ation benefits. The passage of some months
16 "brought further notification from officers of the
17 "Pilotage Authority that the Finance Department
18 "would not permit the purchase and use of Govern-
19 "ment Savings Bonds for superannuation purposes.
20 "This of course dashed all hopes for a suitable
21 "superannuation plan. It was most fortunate
22 "that at this time the Government of Canada
23 "enacted legislation that enabled self employed
24 "Canadians not now participating in pension plans
25 "to invest up to ten per cent of personal
26 "earnings in any registered retirement fund and
27 "such investment would not be subject to income
28 "tax at the time of investment. The ten per cent
29 "gross earnings withheld were then returned to
30 "individual pilots allowing them to embrace the



1 "opportunity created by the enacted legislation.

2 "This procedure is presently in effect."

3 "A letter from the Department of Transport
4 "was received by each of the 18 pilots of the
5 "Halifax District offering them prevailing rate
6 "employment as of January 1963. This letter
7 "stated that if the pilots accepted employment as
8 "prevailing rate employees of the Department
9 "of Transport the Government of Canada would
10 "take over assets and liabilities of the Halifax
11 "Pilots' Pension Fund. All pensions now in
12 "force to continue for the same amounts. All pilots
13 "now active would immediately upon take over
14 "participate in the Public Service Superannuation
15 "Plan and these pilots would be credited with
16 "prior service in proportion to their previous
17 "contributions to the Halifax Pilots' Pension Fund."

18 "It is here stated, as an example that
19 "pilot X having as of April 1st 1962 completed
20 "22 years of service, would have contributed
21 "\$11,706.95 to the Halifax Pilots' Pension
22 "Fund. He would be credited with 10.8 years of
23 "paid up pension or an immediate pension credit
24 "of \$2,016.80 per annum. These letters were
25 "signed by J. Roy Baxter, Director of Administr-
26 "ation and Personnel of the Department of
27 "Transport."

28 Q. Thank you very much. It is a very good
29 exposition of the negotiations and the effect of the
30 government offer of pensions here in Halifax.



1 My lord, I would suggest . . .

2 THE CHAIRMAN: Before we do that I would like
3 to know if there are any questions of this witness?

4 MR. JACQUES: I will have questions.

5 THE CHAIRMAN: We have ten or fifteen minutes
6 more.

7 BY MR. JACQUES:

8 Q. Do you know when this benevolent fund
9 was first created? You mentioned a fund which was the
10 origin of your pension fund?

11 A. When I was down to the Halifax Pilotage
12 Service I contacted Mr. W. J. O'Hearn who had been a
13 government employee and knew the entire circumstances
14 concerning the take over of the fund by the Government
15 of Canada and who furnished me with a great deal of infor-
16 mation. This information that I have is, of course,
17 hearsay from him. It is not personal knowledge of mine.
18 That information was as I have stated in my report to the
19 effect that the pilots created this fund in its inception
20 to help an indigent brother.

21 Q. You don't know when it was created?

22 A. No, pilotage goes back 100 years or more.
23 I don't know at what time.

24 THE CHAIRMAN: I understand this fund wasn't
25 only for pensions but for whatever need there might be.

26 THE WITNESS: Any needs of a social nature,
27 any nature that might arise.

28 THE CHAIRMAN: The same purpose as the other
29 fund you still have now, a small fund for flowers.

30 THE WITNESS: In essence, my lord.



1 Q. Do you know the date which the Minister
2 of Transport took over Pilotage Authority here? Do you
3 recall that?

4 A. The records will show that, but after
5 the Royal Commission on Pilotage held in Halifax approx-
6 imately 1919.

7 Q. Now, sir, the division among pilots as
8 regards the acceptance of the government employment, would
9 you say that the age of the pilots has anything to do
10 with this division, that say the older group would be in
11 favour because they see an adequate pension scheme available
12 to them right away, and that the younger group would not
13 be in favour because they see a loss of freedom, perhaps?

14 A. Is it necessary I answer that yes or no?

15 Q. No, you may clarify your answer.

16 A. I would agree with you, sir. There have
17 been bad days in the Port of Halifax. There have been
18 times when there were paydays and no pay and the men who
19 have joined the service latterly haven't experienced
20 this condition. I would certain say the older pilots
21 would be influenced in the manner which you have described.

22 Q. Thank you, sir. Is there any other
23 comment you wish to make as regards pilotage here in
24 Halifax?

25 A. No.

26 MR. JACQUES: Thank you very much.

27 COMMISSIONER SMITH: Just one point. I have
28 before me the Audette Report of 1949. I draw the
29 attention of the Commission to this statement:

30 "The total deficit of the amalgamated pension



1 "fund on their present basis is represented to us
2 "as now being approximately \$1,500,000.00".

3 That was the deficit in all the pension funds of the various
4 Districts. They go on to recommend: Our recommendation
5 "is that the Government should make good this
6 "deficit of approximately \$1,500,000.00 and
7 "that the pension funds of the various
8 "districts should be amalgamated in one fund
9 "completely under the control and in the custody
10 "of the Pilotage Authority".

/RPS 11 Now I understand that that recommendation fell
12 down on two grounds: One, the Government did not see
13 fit to give up the \$1,500,000.00 and, secondly, the fact
14 that there was no amalgamation of the various pilotage
15 funds of all the Districts of Canada. I think you
16 mentioned in your evidence that the British Columbia District
17 would not go along with a suggestion of that kind. I
18 just wanted to read that into the record my lord so we
19 would know what the recommendation in that report was.

20 THE CHAIRMAN: I do not think we have any evidence
21 with regard to the government not wishing to pay this
22 amount. This could be forthcoming, I suppose, when we are
23 in Ottawa?

24 MR. JACQUES: My intention was to go deeply into
25 pension fund matters when we were in Ottawa, at the
26 hearing in Ottawa when the proper officials from all
27 of the Departments concerned would be available with their
28 files.

29 THE CHAIRMAN: Would other counsel have any
30 questions of this witness?



1 MR. DICKEY: There are no questions, I believe,
2 by any counsel.

3 MR. JACQUES: When were you aware of this
4 violation of your by-laws that was committed by the
5 Department of Transport when they negotiated directly with
6 each individual pilot?

7 THE WITNESS: I am not aware of any violation.

8 MR. JACQUES: Thank you.

9 THE CHAIRMAN: We will adjourn now until 2:30.

10

11

12 ---Luncheon adjournment.

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R/RPS 1 ---UPON COMMENCING AT 2:30 P.M.

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COMMISSIONER SMITH: My lord, just before the noon recess I made a statement about the Government not seeing its way clear to advance the \$1,500,000.00 to meet the deficit of the pilotage fund. I would like to correct, or at least modify that statement.

8

9

10

11

What I should have said was that the Government did not see its way clear to advance the \$1,500,000.00 unless there was a pooling of all the pilotage funds in all the districts.

12

13

I wanted to make that statement, my lord, in order to clarify the situation.

14

15

16

17

18

MR. ANDERSON: My lord, and gentlemen Commissioners, I represent the Halifax Steamship Committee of the Shipping Federation of Canada Incorporated. My name is Donald D. Anderson and I would like to call Mr. Hall to the stand.

19

20

YMAN HALL, Sworn

21

22

THE SECRETARY: Would you give your full name and position please?

23

24

THE WITNESS: Yman Hall, Halifax Branch Manager, Saguenay Shipping Limited.

25

26

DIRECT EXAMINATION BY MR. ANDERSON:

27

Q. Would you repeat your full name again?

28

A. Yman Hall.

29

Q. Where do you live Mr. Hall?

30

A. I was born in Halifax and lived and worked



1 here until 1928.

2 Q. Where are you presently living sir?

3 A. In Halifax. Dartmouth, I am sorry.

4 Q. In Dartmouth?

5 A. Yes.

6 Q. In the County of Halifax?

7 A. In the City of Dartmouth, in the County
8 of Halifax.

9 Q. How old are you?

10 A. 58.

11 Q. And what is your present occupation?

12 A. I am branch manager of Saguenay Shipping
13 Limited in Halifax.

14 Q. And what is your position with regard to
15 the Halifax Steamship Committee?

16 A. I am a member of the Committee and a member
17 of a sub-committee dealing with the pilots.

18 Q. Now how long have you been in the shipping
19 business?

20 A. 25 years directly, and about 18 years
21 indirectly.

22 Q. A total of 43 years you have been either
23 directly or indirectly in the shipping business?

24 A. Approximately, yes sir.

25 Q. Did you say your present job was manager?

26 A. I am branch manager.

27 Q. Of Saguenay Shipping?

28 A. Yes sir.

29 Q. How long have you been in that position?

30 A. Since 1951.



1 Q. Now Mr. Hall with regards the movement
2 of ships in and out of the harbour, within the last two
3 or three or four years how many ships has your company
4 been looking after?

5 A. It would be approximately 120 per year.

6 Q. Now how do you find, I want you to be
7 fairly brief about this and I realize it is a general
8 question, how do you find the present economic situation
9 regarding shipping?

10 A. It is extremely competitive. I think that
11 in Halifax we must look upon the port commercially, as
12 a winter port. We have approximately four months out of
13 the year which we could say is a busy season. Eight months
14 of the year which I would term a marginal period of the
15 year.

16 I think that it is necessary for us in all times,
17 12 months during the year, to be as efficient as we know
18 how because the remaining months of the year are very very
19 marginal as to profit.

20 Q. Now could you outline for the Commission
21 the general procedure used by your company with regards
22 to incoming ships?

23 A. Sailing directions and orders originate
24 in our head office in Montreal. We follow the practice
25 outlined by previous witnesses as to the E.T.A.'s, but to
26 assist the master, we have given them a handbook of routine
27 as it pertains to the company, and also to remind them of
28 practices which they must follow in entering the port.

29 In the winter months especially our masters give
30 us the first E.T.A. about 96 hours off the port and that E.T.A.



1 is followed by 72, 48, 36, 24 and 12 hours and then amended
2 thereafter as necessary. They are instructed to apply for
3 partique by radio, also give the Pilot Authority three
4 hours E.T.A.

5 We check 24 hours before the arrival and if the
6 master has not requested a partique, we send a message
7 to him requesting him to do so. If a three hour E.T.A.
8 is not given, we try to get a message to the ship before
9 the ship arrives at the pilot station.

10 Q. Do you have any delay through awaiting
11 partiques?

12 A. No, not to my knowledge we haven't exper-
13 ienced it.

14 Q. What about the procedure for outgoing
15 vessels?

16 A. For outgoing vessels we endeavour to
17 estimate when we will finish cargo, the time required to
18 prepare the vessel for sea, and we always, as far as
19 possible, give the pilot one hour notification of the
20 need for a pilot.

21 Q. Do you find it necessary for the pilots
22 to pass on information to the masters for you?

23 A. On very rare occasions. Upon the
24 dispatcher receiving the three hour E.T.A., he contacts
25 us to learn where the vessel will dock, and we in turn
26 notify the pilot, tell him she will dock at the given pier,
27 and I think through practice he in turn makes that infor-
28 mation known to the master of the ship.

29 Q. Now what is your policy regarding the use
30 of tugs with regard to both incoming and outgoing vessels?



1 A. We always order one towboat on arrival.
2 and we leave it to the master's discretion, after consult-
3 ing with the pilot, whether they need one or more boats.
4 They are at liberty to order additional boats if they
5 decide it is necessary.

6 Q. Who orders the boats?

7 A. Initially we do.

8 Q. Now Mr. Hall you have heard the evidence
9 with regard to security watch during the session, during
10 the last few days. How many times has it been necessary
11 for you to call upon pilots for security watch, let's say
12 the last five years?

13 A. We have not done so in the last five years.

14 Q. Not once?

15 A. No sir.

16 Q. Now when vessels are moored here, and
17 a storm does arise, are there any additional facilities
18 provided in the port by the National Harbour Board or by
19 any other body?

20 A. The National Harbour Board make available
21 to the vessels berthed in the ocean terminal, particularly
22 the outer berths towards the sea, storm lines and it is
23 our practice by our cargo superintendents to inform the
24 master that these storm lines are available at all times
25 to him and the Harbour Board will place these in the
26 berth alongside the ship for the ship's use, should the
27 master request them.

28 Q. Is there an extra charge for that?

29 A. No sir.

30 THE CHAIRMAN: Could you have explained for us



1 the term "storm line"?

2 Q. Mr. Hall would you explain the
3 term storm line?

4 A. They are exceptionally heavy lines my
5 lord added to the ones already out from the ship.

6 Q. Now how have you found co-operation with
7 the pilots, in your experience here in Halifax?

8 A. We are very pleased indeed with the co-oper-
9 ation we have from the pilots and the service which they
10 render.

11 Q. And how about the rendering of accounts
12 by their office, has that been satisfactory?

13 A. Yes, very prompt.

14 Q. That is all thank you Mr. Hall.

15
16 CROSS-EXAMINATION BY MR. LANGLOIS:

17 Q. When you say that you have approximately
18 120 ships calling here in Halifax, you don't mean 120
19 different ships. You mean you have the same ships calling
20 once, twice, five times?

21 A. Yes sir, that is correct.

22 Q. How do you pass your berthing instructions
23 to the ships coming in? How are they passed to the master?

24 A. When we received the E.T.A. from the
25 pilot dispatch office, we inform the dispatcher the berth
26 number at which a ship will dock. We also immediately
27 call the towboat company and tell them. We notify our
28 cargo superintendent and he in turn arranges for linesmen
29 to meet the ship.

30 Q. This one hour notice to the pilots' station



1 when you require a pilot, is that the same length of
2 notice given in the winter as in the summer?

3 A. Yes sir.

4 Q. Do you think it is sufficient for winter
5 operation, one hour notice?

6 A. I would say with a few exceptions, yes.

7 Q. That is all thank you sir.

8

9 CROSS-EXAMINATION BY MR. JACQUES:

10 Q. Have you ever received any complaints
11 from pilots as regards the length of notice you give them?

12 A. No sir. There have been times when
13 they have been asked if they could attend a ship in a
14 shorter period of time than in one hour on sailing, and
15 they have assisted us.

16 Q. Are your masters instructed to take pilots
17 when available?

18 A. Not to my knowledge. I don't believe
19 there is any formal instruction for them to take pilots.

20 Q. These 120 ships which call here every
21 year, do they all take pilots?

22 A. Yes sir, they have.

23 Q. You are a member of the sub-committee on
24 pilotage?

25 A. Yes sir.

26 Q. Would you say how frequently this Committee
27 has met last year?

28 A. I am guessing. I would think probably
29 six times. Maybe less.

AA2

30 Q. Would you care to state generally to the



1 Commission the matters which are discussed at these
2 meetings?

3 A. I understand that the Committee was formed
4 upon suggestion, or following a suggestion of the Depart-
5 ment of Transport.

6 Q. When was that?

7 A. I am sorry, I don't know. We have dealt
8 with matters, navigational aids, and that sort of thing.
9 It consists of three members of the Halifax Steamship
10 Committee, the supervisor of pilots, and the representative
11 from the pilots' group and the Department of Transport
12 has been kind enough to send one of their men to attend
13 these hearings. I think between all of us we have been
14 successful in having improvement made to aids in the
15 harbour and the Department has followed along with it,
16 such as reflectors on channel buoys, the D.F. stations
17 which are erected at the entrance of the harbour, and
18 sea buoy, which will replace the light ship that is
19 presently at the entrance to the harbour.

20 Q. Would it be fair to say then that this
21 Committee has been useful to the shipping in Halifax,
22 including the pilots?

23 A. Yes, most useful sir and I think it would
24 be most unfortunate if it were disbanded. I think we
25 should retain it. I think we should make every effort to
26 keep it.

27 Q. Thank you very much.

28 MR. DICKEY: I have no questions my lord.

29 MR. ANDERSON: I have no more witnesses my lord.



CAPTAIN LATTEr, Re-sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. My lord I should like to replace Exhibit 337 by an amended copy, if it is agreeable to all parties interested. Captain Latter have you prepared for the Commission a statement of the use to which the pilot boats were put, apart from the pilotage service?

A. I have sir.

Q. Would you read that statement please?

A. This statement my lord is entitled "trips of pilot boats on departmental assignments other than pilotage 1961/62" and it covers the period that I have been here, that is since March 1961 until date.

"Canada Pilot No. 10: Three trips to Shut-In Island to survey a wreck with Department of Transport officials." So in this District, after completion of building, until she was delivered to Escoumains she made three trips to Shut-In Island to survey a wreck. The boat was crewed by myself as master with a Steamship Inspector as engineer and one seaman. Approximate fuel consumed 240 gallons, approximate cost of fuel \$31.20.

"General Page: Our standby pilot boat was three days as a picket boat to work with a coast guard vessel from the District Marine Agency on the finish line of the Marble Head-Halifax race at the request of the Royal Nova Scotia Yacht Squadron. Fuel was supplied by the Royal Nova Scotia Yacht Squadron. The crew of the boat consisted of off-duty pilot boat crews on pay by the Royal Nova Scotia Yacht Squadron.



1 Canada Pilot No. 5 two trips to the light vessel
2 to land and then pick off research staff of the Canadian
3 Research Council, at the request of this establishment.
4 Approximate fuel consumed 48 gallons; approximate cost of
5 fuel \$6.24. The crew consisted of off-duty pilot boat
6 crews.

7 The Canada Pilot No. 5 also made two trips with
8 men from the District Marine Agency to service buoys in
9 the harbour. Approximate fuel consumed 10 gallons; approx-
10 imate cost of fuel \$1.30. "

11 The summary of this is that the total cost of
12 fuel for the above voyages \$38.74.

13 The cost of the depreciation of the vessel during
14 these voyages, I just couldn't calculate.

15 At no time was the normal pilot service interrupt-
16 ed while the boats were employed on duties other than
17 pilotage. During the absence of Canada Pilot No. 10 to
18 Shut-In Island, there were three other boats available,
19 and during the absence of Canada Pilot No. 5 and General
20 Page, there were two other boats available for pilotage
21 duty.

22 Q. Thank you. Now sir in your files would
23 you have any document concerning this unofficial leave
24 which the pilots take?

25 A. I have.

26 Q. Would you produce that please say for
27 1962?

28 A. I don't know whether I have the files
29 with me Mr. Jacques.

30 Q. I would like to have this first document



1 marked as Exhibit No. 372. Would you explain what this
2 document is please?

3 A. That is a copy of a notice that was put
4 by the Pilots Committee in their dispatch office. This
5 is the copy they gave me. The notice reads:

6 "It is anticipated that the spring routine
7 "of week on and week off will be instituted and
8 "commenced on April 8th 1963. Those who prefer
9 "the first vacation period will be off duty
10 "from April 8th to the 15th, and the second
11 "vacation will be off duty from April 15th to
12 "April 22nd and every second week until July 1st.

13 "The pilots are requested to enter
14 "their names below in the respective columns by
15 "march 22nd their choice of periods." And below,
16 in two columns, one column is entitled "first vacation
17 period July 1st to July 29th", and beneath that it says
18 "July 1st to the 22nd official. July 22nd to the 29th
19 unofficial." The right hand column reads: second vacation
RPS 20 period July 29th to August 26th, and again we have July
21 29th to August 19th official and August 19th to August
22 26th unofficial and it is signed by a member of the
23 Pilots' Committee.

24 Q. This could be called the same routine of
25 week on and week off?

26 A. Yes sir.

27 Q. I see that it covers the months of July
28 and August only. Did you receive a similar routine for
29 other months?

30 A. I received the routine for the winter period,



1 and I have the pilots' week off routine which I have
2 here giving the dates, January, February and March.

3 Q. This Exhibit 372, is it transferred to you
4 by the pilots?

5 A. Yes.

6
7 ---EXHIBIT NO. 372: Spring routine of week
8 on and week off.

9
10 Q. When you receive it do you have a copy
11 with the names listed on the document?

12 A. Yes, they give me the names once the pilots
13 fill in the names.

14 Q. Once the pilots fill in the names?

15 A. I might clear this up by saying I always
16 know who is on unofficial leave. They give me a list
17 and I know who is on unofficial leave.

18 MR. JACQUES: I would like to have the second
19 document marked as Exhibit 373. It is entitled Pilots'
20 Winter Schedule Week Off Routine.

21
22 ---EXHIBIT NO. 373: Pilots' Winter Schedule
23 Week Off Routine

24 THE WITNESS: This is the document that shows
25 me the two men that will be off each week from November
26 through to April, and this lists the names the date that
27 they go off and the date that they come on.

28 MR. JACQUES: Is that the document which emanates
29 from the pilots?

30 A. Yes, and it is signed by the pilots.



1 Q. Thank you. Would you state what figure
2 you use as a basis for deducting income tax for the
3 pilots? Is that gross earnings before you deduct
4 pension fund and other expenses or is it after deducting
5 all the expenses listed in your annual return?

6 A. It is based on annual share earnings of
7 the pilots.

8 Q. It includes what?

9 A. It includes the monthly pay they receive
10 plus the kitty, we called it last time, the amount of their
11 share at the end of the year.

12 Q. It wouldn't include the deductions which
13 you make for pension and other expenses?

14 A. I am not prepared to answer that formally.
15 I don't know for sure in my own mind, so on oath I would
16 just as soon not answer.

17 Q. Have you in your file any minutes of a
18 meeting which was held sometime in 1961 concerning the
19 change of status of the pilots here?

20 A. I have the minutes of that meeting.

21 Q. Would you produce that?

22 A. Captain Seeley has it at the present time.

23 MR. JACQUES: I should like to have this third
24 document marked as Exhibit No. 374.

25 THE WITNESS: May that be photostated and returned?

26 MR. JACQUES: This is a document which purports
27 to be the minutes of a meeting of representatives of the
28 Department of Transport and the Halifax pilots held on the
29 19th of July, 1961.

30 THE CHAIRMAN: Where is the original to this



1 document? Is it here?

2 THE WITNESS: That is, to my knowledge, the
3 one and only.

4 THE CHAIRMAN: You will certify the copy you
5 are going to send?

6 THE WITNESS: I thought this would be photo-
7 stated and returned to me here.

8 MR. JACQUES: It is certified.

9
10 ---EXHIBIT NO. 374:

Minutes of a meeting
of representatives of
the Department of Trans-
port and the Halifax
Pilots held on the 19th
of July, 1961.

11
12
13
14
15 Q. Were you present at that meeting, sir?

16 A. I was.

17 Q. Did you personally send notices to the
18 pilots?

19 A. I did.

20 Q. Did you send a notice to the Pilots'
21 Committee as a Committee?

22 A. I didn't. I sent it to the Pilots' Committee
23 as individuals.

24 Q. As individual pilots. To the best of
25 your knowledge, looking at the names of the pilots, are
26 you able to say whether the members of the Committee were
27 present at that meeting?

28 A. The members of the Committee are on this
29 list.

30 Q. They were present at this meeting. Can you



1 say whether any objection was taken by any of the pilots
2 or any of the members of the Committee to the way in which
3 the Department proceeded in convening them?

4 A. I hadn't been aware of any objection
5 until Tuesday. I will say, although I have looked at the
6 minutes and I don't see it in the minutes that I recall
7 Mr. Baxter explaining to the pilots and myself that the
8 Government weren't in a position to employ a group of
9 people, that they could only employ individuals, and
10 therefore anything that was done in this light would have
11 to be dealt with individually and not as a group.
12 He did say that.

13 Q. This was mentioned at the meeting, was it
14 not?

15 A. This was mentioned at the meeting.

16 Q. Was any objection taken to that statement?

17 A. No, sir.

18 THE CHAIRMAN: Before you change the subject,
19 was that the first time that this question was brought up
20 to the pilots?

21 THE WITNESS: This was the first meeting I was
22 in attendance at. Prior to that I am not prepared to say.

23 Q. Sir, you have before you Exhibit No. 355.
24 Are you able to say from that exhibit on what figure you
25 calculate your income tax?

26 A. The income tax would be calculated on the
27 advances to pilots. There is a reserve pension fund and
28 postage -- it wouldn't be calculated on that. It would
29 be calculated on the advances to pilots.

30 Q. On the advances to pilots. Thank you, sir.



1 Now, sir, there is another document which I should like to
2 have marked as Exhibit No. 375 which may be entitled Auth-
3 orization Given to Supervisor to make certain Deductions
4 from the Pilots' Fund. With your lordship's permission
5 we would replace this with a photocopy and return this
6 original to the local supervisor.

7 THE CHAIRMAN: That is quite all right.

8
9 ---EXHIBIT NO. 375:

Authorization Given to
Supervisor to make certain
Deductions from the Pilots'
Fund.

10
11
12 Q. Now, sir, I believe this document was
13 read into the record some time ago, was it not?

14 A. You inquired about gratuities shown on
15 the statement.

16 Q. Which is Exhibit 355?

17 A. And asked me to bring this document.
18 Whether you read it into the record I am not sure.

19 Q. Will you explain what the document is?

20 A. It is a document signed by all the
21 members of the Halifax pilots authorizing me to ---
22 perhaps I should read it:

23 "We the active pilots of Halifax Pilotage
24 "District being informed that in order that the
25 "name of the late Pilot Lester Hickey may be
26 "continued on our half monthly pay list for
27 "full pay for the period May 5th to July 4th,
28 "1962 and half pay from July 5th to August 4th,
29 "1962 it would require all our signatures. We
30 "are, therefore, appending same to verify in



1 "writing our consent that the wife of the late,
2 "Lester A. Hickey be issued cheques half monthly
3 "for the period above mentioned". It is
4 signed by the pilots.

5 Q. Is it signed by all the pilots?

6 A. Yes, it is signed by all the pilots.

7 MR. JACQUES: Thank you. Your witness.

8 COMMISSIONER SMITH: One question I would like
9 to ask the witness. Captain, there was some reference
10 made here this morning and yesterday to the possible change
11 in the application of the pilotage tariff, and the question
12 arose whether it should be on net or gross or dead weight
13 or displacement. Have you got any views in that connection
14 that you could give us so we will have the matter pending
15 before us?

16 THE WITNESS: I have views on the method of
17 tariff calculation. In other words net tonnage is becoming
18 more unfair each year with the trend of the shipowner to
19 dodge some tariff by either sheltered decks, special tanks,
20 deep tanks. I think eventually the only fair way to charge
21 ships, be it on pilotage or harbour dues, is going to be
22 some system that is worked out on the size of the vessel,
23 not on the tonnage, but on her length, breadth and
24 draught, because even the larger ships now can float at
25 a shallow draught. The charge on draught, we have deep
26 draught ships which are using net tonnage and don't have
27 such great tonnage. I think length, breadth and draught
28 will eventually have to be used and a rate scale put on
29 that. In this District it is most unfair the way some
30 ships are skipping on pilotage because of the sheltered



1 deck business.

2 COMMISSIONER SMITH: Thank you very much,
3 Captain.

4
5 RE-CROSS EXAMINATION BY MR. DICKEY:

6 Q. Captain, perhaps to deal with the recent
7 evidence first, the pilot boat, and perhaps we should
8 refer to it as the inside boat or the harbour boat, that
9 is intended for transporting where necessary of pilots
10 to ships such as at the Imperial Oil dock; is that not
11 correct?

12 A. It is used for this type of thing.

13 Q. What is one of its purposes?

14 A. That is its secondary purpose. Its main
15 purpose is transporting pilots to and from the outside
16 boat.

17 Q. It is also for the purpose of taking
18 pilots to ships at anchor in the stream and at other loc-
19 ations within the harbour where they are required to meet
20 these boats?

21 A. That is right.

22 Q. It is also used for general necessary
23 transporting in the harbour?

24 A. That is right.

25 Q. You yourself use it?

26 A. I use it.

27 Q. And other Department officials use it where
28 necessary?

29 A. Other Department officials use it where
30 necessary, frequently other Department officials do use it.



1 Q. Now, in connection with the winter
2 arrangement for weeks off on a certain rather unofficial
3 schedule, you are fully informed as to that?

4 A. Yes, and I would like to make it quite
5 clear I have no quarrel with it at all. I am informed.
6 I have no reason to quarrel with it, either in summer or
7 winter.

8 Q. What it really amounts to is during the
9 winter season the pilot will have eight weeks on duty and
10 one week off?

11 A. Yes. To put it another way we are always
12 operating with two short pilots. Instead of 18 we are
13 operating 16 when everybody is working.

14 Q. This is the same result, in fact, as the
15 previous employment of two of the pilots per week for
16 masters duties on the pilot boat?

17 A. I believe that is true. This situation
18 was not in force when I came on the job, but as I understand
19 it, yes, it would amount to the same thing.

20 Q. The eight week period during which the
21 pilots are on duty, this will be an eight week period
22 including Sundays, holidays, Christmas, New Year's Day
23 they are on duty?

24 A. As long as they are on the assignment list.

25 Q. As long as they are not off sick or
26 something like that?

27 A. Yes.

28 Q. So that after eight weeks of that kind of
29 duty with every day including holidays and Sundays they
30 get one week off when they are actually not on the assign-



1 ment list but may be called when required?

2 A. It has never happened that I know of,
3 that I have had to call them. Possibly the dispatcher
4 does, but it is not usual.

5 Q. You sent out the notice for this meeting,
6 the minutes of which are Exhibit 374; is that correct?

7 A. Yes, sir.

8 Q. And they were sent to the individual
9 pilots?

10 A. Yes, sir.

11 Q. And it wasn't until actually at the meet-
12 ing that there was any explanation of why the notice had
13 been sent to the individual pilots; is that correct?

14 A. My instructions were just to inform the
15 pilots there would be a meeting at that day, at that time,
16 and I did so by sending a letter to each pilot.

17 Q. I note from page two of those minutes
18 it is stated:

19 "In computing hours worked recognition should
20 "be made of all standby time and delays in getting
21 "ships underway. Time sailed and time left ship
22 "are not accurate or realistic measurements
23 "of time the pilots devote to a job". This is
24 a report of the representation made at that meeting by the
25 pilots?

26 A. Yes, sir. At that time we were still
27 keeping these work load sheets.

28 Q. They were kept for some time after that?

29 A. They were kept until last November, I
30 believe, sir.



1 Q. Have you any personal knowledge of any
2 subsequent representations by the pilots on that particular
3 matter?

4 A. Personally, they made representations to
5 me every time we met, but apart from that I have no other
6 knowledge.

7 Q. These Time Sailed, Time Left forms are
8 part of the documents that you have filed as exhibits
9 here relating to the pilots' time worked?

10 A. Yes, they are filed.

11 Q. At the time in the meeting of July of 1961
12 had there been any written material placed before the
13 pilots relevant to the Department's proposals?

14 A. I don't believe so, sir, at the time of
15 that meeting. The next I recall is I received a group of
16 Superannuation booklets and a copy of a letter that had
17 gone to each pilot and instructing me to give them these
18 booklets, and also telling me they didn't have any more
19 booklets at headquarters and try and scrounge more in the
20 area and see that the pilots got them.

21 Q. This is quite some time later, about a
22 year and a half?

23 A. About a year and a half later.

24 Q. Was there anything written given to the
25 pilots at this meeting, do you recall?

26 A. Not that I recall, sir.

27 Q. Now, there has been perhaps a little confus-
28 ion in the evidence about manning of the pilot boat. As
29 I understand it at the present time there are two persons
30 on the outside boat and two persons on the inside boat?



1 A. That is correct.

2 Q. And the pilots have brought attention to
3 their views that the outside boat should have an extra
4 deckhand; isn't that correct?

5 A. That is correct, and that is being for-
6 warded to headquarters.

7 Q. What is the status of the masters of the
8 two pilot boats?

9 A. Perhaps I could say on each watch there
10 are four men, one man is an engineer and one man is a
11 master on the outside pilot boat. Then the harbour boat
12 has a launch man on it and a deckhand. The outside master
13 is in full charge of the watch and his co-ordination with the
14 dispatcher keeps both moving and sees the pilots are
15 picked off and put on where desired.

16 Q. So you will have three masters, one for
17 each ship; is that right?

18 A. Yes.

19 Q. What is their status?

20 A. They are Government ships' officers.

21 Q. Is that prevailing rate employment?

22 A. Government ship officers and Government
23 ships' crews are prevailing rates, yes, sir.

24 Q. Now, so far as the administration of the
25 District locally is concerned what are your hours of work,
26 Captain?

27 A. Normally civil service hours, and whenever
28 else is required. It doesn't make much difference whether
29 it is Saturday or Sunday, whenever I am required.

30 Q. Your office staff?



1 A. The office staff work regular civil service
2 hours. The dispatching staff is on shift work.

3 Q. Apart from the shift work of the dispatchers
4 and the crew members the rest of the administration are
5 on what you might call normal civil service hours?

6 A. Yes sir.

7 MR/RPS Q. This involves observance of Sundays,
8 Saturdays, holidays and all that sort of thing?

9 A. Any Civil Service holidays.

10 Q. This is true of both salaried and prevailing
11 rate employees?

12 A. Yes. The staff that are not fully
13 civil service employees are prevailing rate employees and
14 under their Act shift work, if they are working on a hol-
15 iday, they are later compensated for it and given it during
16 their leave period. In the case of the dispatchers, they
17 are paid overtime for these holidays.

18 Q. Now the arrangements made with respect to
19 the deceased pilot, Hickey, that was referred to as a
20 gratuity. As I understand it from the evidence and from
21 the statement that was just read into the record, it was
22 really applying to that case what we might call accumulated
23 sick leave? Isn't that correct?

24 A. It amounted to sick leave, yes sir.

25 Q. This is the normal practice isn't it in
26 the civil service in cases of death or retirement, they
27 are given accumulated sick leave?

28 A. In civil service we pay death benefits,
29 and you are entitled to these. This was called a gratuity.
30 It couldn't be called wages because I am not authorized to



1 pay wages to a person other than a pilot so I had no other
2 term but to call it gratuity.

3 Q. In connection with the distribution of
4 ballots for the election of the Pilots' Committee, is it
5 not correct that the pilots who pick up their ballot sign
6 the list so there is some check?

7 A. Yes, we keep a list by the ballot box so
8 I know when all the ballots are in the box.

9 Q. Now the five per cent pension payment
10 contribution, as I understand it, is really the first
11 charge on the gross revenue?

12 A. That is right.

13 Q. I don't think I quite fully understood
14 your evidence just a few minutes ago about the basis of
15 the deduction for income tax. Is that made including the
16 five per cent or not?

17 A. No sir. The five per cent is taken off.

18 Q. Taken off first?

19 A. Yes.

20 Q. That is all thank you my lord.

21

22 CROSS-EXAMINATION BY MR. LANGLOIS:

23 Q. In the course of your evidence Captain
24 Latter two days ago mention was made of the discrepancies
25 between the tonnage reported by ship masters and tonnage
26 as recorded in Lloyd's Register for example. Do you
27 really have many occasions where some discrepancies come
28 to light?

29 A. Yes sir. It is not unusual to have an
30 occasion where the card and the Lloyd's do not jibe, nor



1 where the last trip of the vessel does not agree with what
2 Lloyd's has, nor with what is on the card.

3 Q. What happens in the case of a ship who
4 is not on Lloyd's Register?

5 A. We have most of the other registries that
6 we can get our hands on. In the case of the Russians, there
7 is no place for us, so we have to take what the master
8 says and that is it.

9 Q. As I understand it, it would be hard for
10 you to give the Commission an estimate of the pilotage
11 revenue which could be lost in this fashion?

12 A. I don't understand your question.

13 Q. I said it would be very hard, or impossible
14 for you to give an estimate of the loss, the revenue lost
15 by inferior tonnage being reported?

16 A. It would be most difficult.

17 Q. You mentioned also, if I understood your
18 testimony correctly that fishermen, coastal vessels were
19 the greatest offenders; those coming into port, or report-
20 ing to customs and not taking pilots. Would you be able
21 in this case to give an approximation of the pilotage
22 revenue lost in this way?

23 A. Well there would be no loss sir because
24 the fishermen that I was referring to would either be
25 Americans or Russian or Spanish and whether they took a
26 pilot or not, they would pay full pilotage. Quite often
27 we meet them practically in the harbour; when we see
28 them, if this is possible, if visibility is good, we go
29 out and meet them and they pay anyway so there would be
30 no loss of revenue. It is just the inconvenience of having



1 to rush in a group of pilots when you see five or six
2 ships floating around off Chibucto Head and you didn't
3 know anything about them.

4 Q. You said there was one company that made
5 39 trips without paying pilotage?

6 A. Yes.

7 Q. Without mentioning the name of the company
8 would you tell the Commission whether these ships were
9 Canadian ships or foreign register?

10 A. These particular ships were both Canadian
11 and British registry, Nassau registry and as British
12 registry ships they can obtain customs clearance permit
13 and they don't have to report in and out, so they come
14 and go as they wish.

15 In this case there was a loss in revenue but this
16 is not true with the fishermen. I might say, as far as
17 this matter goes with that particular company, as I said,
18 the ruling has been given that they must pay, so we will
19 deal with that next week.

20 Q. Could you tell us Captain Latter how often
21 do you have consultations with the Pilot's Committee on
22 matters affecting the operation of pilotage service in
23 Halifax?

24 A. I couldn't tell you how often sir. Any
25 time the Pilots' Committee have anything to discuss with
26 me, they approach me and if I have anything to discuss
27 with them, I contact them. There is no set pattern for
28 this.

29 Q. Now regarding the number of passengers for
30 which pilot boats are certified, if I understood you



1 correctly you said on one occasion you had a number of
2 pilots on board which exceeded the number certified for
3 that boat and you cleared it, if I understood correctly,
4 these were your words, you cleared with the C.S.I.
5 people. What did you mean by that?

6 A. I took the lifejackets from one of the
7 other boats. It meant we had enough lifejackets for each
8 person. Under the Act you are supposed to have enough
9 inflatable life rafts for each person, so I reported this
10 to the C.S.I. and they said all right, you have your
11 dinghy. You have an eight man raft and I think there were
12 twelve or thirteen total on board, you have jackets for
13 everybody, for this trip go ahead.

14 Q. The boat was not up to the requirements
15 for the number of passengers she was carrying?

16 A. Not under the Act.

17 Q. It was cleared through C.S.I.?

18 A. It was exempted for that particular trip.

19 Q. About these work load sheets, or forms,
20 are they still being filled out by the personnel of the
21 pilot boats?

22 A. The personnel on the pilot boats, on my
23 instructions, still keep track of when a pilot boards and
24 when he leaves the pilot boat, yes.

25 Q. Is this done on these forms?

26 A. No sir, the forms are different forms
27 completely.

28 Q. These forms were discontinued on
29 instructions from Ottawa?

30 A. The form that was discontinued was a



1 Department of Transport form. The form that I am using
2 on the pilot boat now is one I drafted myself and have
3 the boat crews keep for my convenience.

4 Q. Now would you tell us if the administration
5 expenses shown in your annual report, which were filed
6 in Exhibit 351, are all paid by D.O.T.?

7 A. They are all paid by the Department of
8 Transport and some of the expenses are not even shown on
9 that form. Such things as any electrical equipment on
10 the pilot boat comes out of the Telecommunications boat,
11 not the pilotage boat but still paid by the Department of
12 Transport. Radio sets, repairs to radar, this is all paid
13 by Telecommunications. I have no record of the cost of
14 this.

15 Q. This is a small item, but a matter of
16 curiosity. Mention was made of the amount paid out of the
17 pilotage fund for stamps. Am I to understand your office
18 is not in possession of the frank stamp issued by the
19 Department to use on your official correspondence?

20 A. We use the stamps that are shown on the
21 annual report to send out the bills to the agents. This
22 is not Government business. This is pilotage business.
23 Pilotage business such as letters from me to the supervis-
24 or. Things like this are paid for by my petty cash, which
25 I have in the office.

26 Q. You have no frank supplied by the Depart-
27 ment of Transport?

28 A. No sir. We buy our stamps from our
29 petty cash and put a report in to Ottawa each month and
30 are reimbursed.



1 Q. I notice in Exhibit 345 that a recommend-
2 ation was made in the 1961 annual report that the pilot
3 boats be manned by at least three men. Has this recommend-
4 ation been followed up with the Department?

5 A. No sir. You mean has it been carried out?

6 Q. No, followed up. Have you repeated this
7 recommendation?

8 A. Yes sir.

9 Q. And you have had no satisfaction whatsoever?

10 A. Not yet sir. I might say that just recently
11 we added three men in the harbour boat which we didn't have
12 before.

13 Q. In Exhibit 347, which is this exhibit
14 containing a report on the casualties for the year 1963,
15 I note mention was made of grounding of the Irving Dale
16 with the following notation: Pilots error. Pending.
17 What does that mean? Has this case been disposed of yet?

18 A. No sir, the case will be heard at 1330
19 on the 10th. I just received this word on Monday. The
20 case has been held up because the pilot concerned was
21 ill and it was not felt he should go through such a thing
22 as a hearing so they postponed the case for that purpose.

23 Q. If the case is still pending, I fail to
24 see how this casualty can be listed as being attributable
25 to the pilot's error?

26 A. That is attributable to my stenographer's
27 error. She is very meticulous and I guess when she made
28 this up from the file, she thought I should know what
29 happened.

30 Q. Were you acting as supervisor when the



1 masters of pilot boats were hired by the Department?

2 A. No sir. The present system was in force
3 when I came on the job.

4 Q. So you wouldn't know who initiated this
5 system whether it was at the request of the pilots or it
6 was a new policy of the Department?

7 A. I wouldn't know sir.

8 Q. I come back to this meeting of 1961. Who
9 prepared and when the minutes which were filed as Exhibit
10 374?

11 A. These are the minutes of the meeting in
12 1961?

13 Q. Yes?

14 A. At that time Mr. Kennedy, whose signature
15 is on the minutes was the office manager. I believe that
16 he took the minutes and I would assume that my secretary
17 prepared them.

18 Q. You wouldn't know when these minutes were
19 actually drafted?

20 A. Well depending on office work load, it
21 would be no longer than two days, or I would have known
22 why. I don't remember complaining about it so I must
23 have had them in two days anyway.

24 Q. Two days is not from your personal know-
25 ledge. You are just assuming that sir?

26 A. When I don't get things fast, I have a
27 tendency to lose my temper and I don't remember losing it
28 on this occasion. I must have had the minutes.

29 Q. You stated that this meeting was called
30 on instruction from Ottawa?



1 A. That is right sir.

2 Q. On instructions to you or to Mr. Kennedy?

3 A. On instructions to me to ask the pilots
4 to be at the place and time where the meeting was held.

5 Q. When these instructions were received from
6 Ottawa was this request taken up with the Pilots' Committee?

7 A. No sir. I notified each pilot individually
8 by letter of the meeting being held and I told them
9 officials would be there from Ottawa.

10 Q. Would you tell us why the Pilots' Committee
11 was not advised or consulted about this meeting?

12 A. The Pilots' Committee are part of the pilots.
13 I cannot be in a position of not carrying out my
14 Departmental orders by turning things over to the Pilots'
15 Committee.

16 Q. You had specific instructions not to take
17 it up with the Pilots' Committee?

18 A. I was told to notify the pilots sir of a
19 meeting at this time and place, which I did do.

20 Q. Could this notification not have just as
21 efficiently gone through the Pilotage Committee?

22 A. Possibly it could have. I prefer to do my
23 own efficient work. That is the way I did it.

24 Q. Were you present at this meeting from
25 beginning to end?

26 A. Yes sir.

27 Q. Is it not a fact that at any time at this
28 meeting were all the pilots present, the active pilots?

29 A. There was a total of 15 pilots present.

30 Q. At all times?



1 A. I don't imagine sir. The work would have
2 to go on. I would have to go back to that day and see what
3 jobs were done to tell you this, but I would assume that
4 probably some pilots had to come and go in order to carry
5 out the work of the District.

6 Q. So the names of the pilots mentioned in
7 this report, filed as Exhibit 374, all of these pilots
8 were not necessarily present at all the discussions which
9 took place at this meeting?

10 A. As I said sir I would have to check my
11 dispatch log~~ge~~ of that day to be sure of this, but I can't
12 hardly imagine that they would all be there the whole
13 time.

14 THE CHAIRMAN: How long was the meeting?

15 THE WITNESS: I don't recall. The meeting was
16 quite lengthy. The minutes will show how long it was.
17 It started at 9:00 a.m. and it adjourned at 11:40. This
18 being in the month of July, there could have been one
19 or two or three pilots. I could tell this from my dispatch
20 log.

21 Q. Mr. Baxter's name was mentioned. Could
22 you tell the Commission as to whether or not Mr. Baxter
23 has anything to do with the pilots' division of the
24 Department?

25 A. Would you repeat that please?

26 Q. Has Mr. Baxter, whose name was mentioned
27 in connection with this meeting, anything to do with the
28 pilotage branch of your Department?

29 A. He is chief of personnel and he would have
30 something to do with every branch of my Department.



1 Q. Do you consider pilots members of the
2 staff of your Department?

3 A. You said the pilotage branch of my
4 department. I am in the pilotage branch of my Department.
5 I am not a pilot.

6 THE CHAIRMAN: They were potential members.

7 MR. LANGLOIS: In the mind of some officials
8 of the Department they would like them to be.

9 Q. Can you tell the Commission who initiated
10 these negotiations?

11 A. No sir, I am not in a position to do that.

12 Q. Thank you.
13

14 CROSS-EXAMINATION BY MR. ANDERSON:

15 Q. Captain Latter were you present when I
16 cross-examined Captain Crook?

17 A. I was present for some of it.

18 Q. Do you recall me questioning him about
19 a motor vessel Lena?

20 A. Yes sir, I remember that.

21 Q. Do you recall that particular situation
22 yourself with regards to that vessel? She was one of the
23 vessels that was moored, I believe it was pier 34 during
24 the storm on December 31st 1962?

25 A. Yes sir, I recall that.

26 Q. Now do you have knowledge for what purpose
27 the pilot was dispatched to the vessel that particular
28 afternoon or evening?

29 A. From my dispatch log the pilot was ordered
30 at 1935. I am not remembering this since December, I looked



1 this up after hearing the cross-examination and he was
2 dispatched for the purpose of moving the vessel, if
3 possible and the tugs were ordered at the same time. This
4 was as I say 1935.

5 I went down to the pier. It was a nasty night,
6 around 10:30 or so I arrived at the pier. The Lena still
7 had not moved, so I went down alongside of her to see what
8 the problem was and the gangway was smashed up.

9 Q. The pilot was dispatched to moved the
10 vessel?

11 A. Yes sir.

12 Q. Do you require to see the exhibit? I have
13 a copy of it here, the bill for detention? Do you wish to
14 see that?

15 A. No.

16 Q. You are aware of that? That is correct
17 isn't it?

18 A. Yes. The next day I went back to the
19 ship with a surveyor to see what damage had been done.
20 The master told me that in his opinion and the pilot's
21 it was impossible to move the ship. It was unsafe to put
22 the tugs alongside of her.

23 Q. Captain Latter how many times have pilots
24 been dispatched for security watch in the past year?

25 A. There haven't been any, to my knowledge
26 sir.

27 Q. How many in the last five years?

28 A. I couldn't speak for five years, but I
29 don't know of any since I have been here, two years and a
30 few months.



1 Q. How long have you been in the office
2 as supervisor?

3 A. March 1961, sir.

4 Q. And there has been none since that time?

5 A. None to my knowledge. If there had been
6 they haven't billed. The bills haven't shown this.

7 Q. We have had quite a bit of testimony on
8 the pilot boats. I would like your views on this. Before
9 asking you, am I correct in stating that you mentioned
10 that two of the boats have either outlived their useful-
11 ness or almost outlived their usefulness?

12 A. The one boat has definitely outlived its
13 usefulness. The other boat would make an excellent standby
14 boat for this District. We have spent a lot of money on
15 her but she isn't the kind I would desire as a regular
16 outside boat. She is getting too old for that. The third
17 boat is a new steel boat built a few years ago and she
18 is still quite all right.

19 Q. The new steel boat, is that one of the
20 outside boats?

21 A. No. She is a little harbour boat and she
22 is all right, for sometime to come.

23 Q. If you had two larger boats that were
24 built to the satisfaction of the pilotage service, either
25 new or two boats almost new or attained for the purpose
26 of the pilotage service here, could you operate efficiently
27 with two boats?

28 A. If the boats were faster than our present
29 boats, and if this practice of transporting pilots around
30 the harbour to areas where you could reach by land was



1 discontinued, yes.

2 Q. Thank you. Now I was questioning Captain
3 Crook with regard to the man hours per day. Were you
4 here at the time I was questioning? We did a little arith-
5 metic at the time?

6 A. Yes.

7 Q. Have you at any time worked out the number
8 of actual man hours worked per day for a pilot?

9 A. I have not personally. It has been done
10 in my Department headquarters.

11 Q. Have you any idea what figures were worked
12 out?

13 A. Well I have a recollection.

14 Q. What is your recollection say for 1962,
15 the number of man hours worked per man per day?

16 A. I will tell you sir, perhaps I better
17 not answer that. Captain Seeley is in the court.

18 Q. If I suggested to you it was one and three
19 quarter hours would that be out of line?

20 A. I wouldn't say so but remember this is
21 calculated on our system, not the pilots and there is
22 some difference.

23 Q. It would not be out of line, one and three
24 quarter hours?

25 A. No.

26 Q. Now in the by-laws, Section 23, sub-section
27 1, every pilot who is found by the Authority to have
28 violated this by-law is liable (a) to a penalty not exceeding
29 \$200.00 and (b) to have his licence suspended
30 or cancelled. Sub-section 2 every pilot who is



1 found by the Supervisor to have violated this by-law is
2 liable to a penalty of \$40.00.

3 A. That Section has been revoked sir.

4 Q. That has been amended has it?

5 A. Yes sir.

6 Q. I am sorry.

7 A. That was revoked. I have an amended copy
8 of the by-laws here if you would care to have them. It
9 is revoked completely, that particular Section.

10 Q. I might comment for the record Captain
11 Latter refers to the revocation of sub-section 27. That
12 has given me the answer because in the by-laws I have,
13 I noticed that discrepancy and I just wanted you to explain
14 it to me. You have given me the answer. Thank you.
15 One other final question I have Captain Latter and that
16 is who is in the overall control of the pilots of Halifax
17 as to the movement of ships?

18 A. The harbour master.

19 Q. Thank you.

20 THE CHAIRMAN: Any further questions?

21

22 CROSS-EXAMINATION BY MR. DICKEY:

23 Q. Captain Latter, in connection with your
24 recent examination and your evidence, the figures that you
25 have given are based on this calculation, or regarding the
26 time worked, these calculations have been consistly object-
27 ed to on the part of pilots as completely unfair and un-
28 realistic. Isn't that correct?

B/RPS 29 A. That has been the objection, yes.

30 Q. That is the figure that you have just given?



1 A. Yes, the method that I calculated time
2 that has been objected to by the pilots, definitely.

3 Q. And the evidence that you have just given
4 is based on those figures?

5 A. Based on those figures.

6 MR. DICKEY: My lord, I have consulted with my
7 learned friend, Mr. Jacques, and I was going to read into
8 the record a letter that is relevant to certain evidence
9 given by Captain Crook in relation to the effect of the
10 imposition of the \$10.00 boat fee. My learned friend has
11 suggested it would be best of read it into the record.

12 THE CHAIRMAN: You might wait until we are
13 through with the witness.

14 MR. DICKEY: It was addressed to the Superintend-
15 ent, but prior to Captain Latter being in that position.
16 It would be in his files, and perhaps I should read it
17 into the record while he is on the stand.

18 THE CHAIRMAN: Yes, go ahead.

19 MR. DICKEY: It is dated in Halifax, April 5th,
20 1960 addressed to the Superintendent of Pilots, Federal
21 Building, Halifax, N.S.

22 "Dear Sir: The recent fee for Boat Services,
23 "which came into effect January 1st, 1960, has
24 "constituted a terrific increase in the
25 "Pilotage Fees for our vessels using this Port.

26 "For example, the normal fee for the
27 "'Fauvette' is \$14.41, and the additional \$10.00
28 "for Boat Service constitutes an increase
29 "of 70%. The increase of our other two vessels
30 "is somewhat less, but, nevertheless, works out



1 "to approximately 30% over the rates previously
2 "paid."

3 "You can readily appreciate that if our
4 "costs are going to increase in this ratio, we
5 "must take steps to effect some savings; partic-
6 "ularly where we have no means of adjusting
7 "our rates, in this highly competitive Newfound-
8 "land trade, to take care of such increases."

9 "We have discussed the matter with our
10 "Masters, and have decided to minimize this cost,
11 "wherever possible, by not using Pilots
12 "at Halifax, excepting in instances when weather
13 "or other conditions make it necessary to do so,
14 "in our Masters' estimation of prevailing
15 "conditions."

16 "We regret to have to take this step, for
17 "we have always obtained excellent service from
18 "the Halifax Pilots, and have only the highest
19 "of praise for their services and ability."

20 "Undoubtedly, there will be instances in
21 "the future when our vessels will require the
22 "services of the Halifax Pilots, and we look
23 "forward to receiving the same good attention
24 "to our requirements, in these instances, as has
25 "prevailed in the past."

26 "Yours sincerely,

27 "NEWFOUNDLAND CANADA STEAMSHIPS LIMITED

28 "(Sgd) T.A. CURRY

29 "General Manager."

30 MR. DICKEY: That is all.



1 THE CHAIRMAN: With regard to the calculation
2 of the time worked by the pilots, would you explain just
3 how it was calculated? I know it is based on the record
4 or sheet that was filed and that was discontinued. What
5 was done for that calculation?

6 THE WITNESS: There has been no calculation
7 since the sheets have been discontinued.

8 THE CHAIRMAN: At the time?

9 THE WITNESS: The figures were arrived at by
10 combining the time from the Pilots' Source Form, time
11 spent on the ship the time he may have spent on the
12 pilot boat in a 24 hour period and deducting this from 24
13 hours and considering that as working time. No allowance
14 was made for him coming from his house to the wharf.

15 THE CHAIRMAN: What I wish to arrive at is was
16 this time, all the figures added up for a period of one
17 year and then divided by 18, the number of pilots and
18 then divided by so many hours during the year?

19 THE WITNESS: This was done monthly by my
20 office and this was forwarded to Ottawa. I have no know-
21 ledge of how they calculated it when it got there.

22 Q. Divided it by the pilots on leave?

23 A. The effective pilot is worked out by
24 considering the number of pilots on leave, but individual
25 hours per day, per month -- I don't know how headquarters
26 calculated this.

27 THE CHAIRMAN: This information will be obtain-
28 able in Ottawa?

29 THE WITNESS: This information will be obtain-
30 able in Ottawa, yes.



1 THE CHAIRMAN: You said you may be misinformed
2 with Russian ships. With regard to other large ships you
3 can check Lloyd's Registry. When you find a discrepancy
4 with Lloyd's Registry or other registers how do you deal
5 with it?

6 THE WITNESS: I normally go by what Lloyd's
7 say after consulting with the agent. If there has been
8 any change in the construction of the ship I will be
9 informed then.

10 THE CHAIRMAN: When you find a discrepancy there
11 is no loss of revenue?

12 THE WITNESS: Occasionally there is a discrepancy,
13 I will find discrepancy, Lloyd's will be lower than the
14 card the pilot has presented to me. That will be a loss.

15 THE CHAIRMAN: Which one do you use?

16 THE WITNESS: I still use Lloyd's.

17 THE CHAIRMAN: It may not be a loss?

18 THE WITNESS: It all depends on the case. Some-
19 times we lose and sometimes we gain.

20 THE CHAIRMAN: With regard to the question of
21 off duty routine, when one or more pilots are off duty and
22 on sick leave, would that upset this routine or this
23 roster?

24 THE WITNESS: It hasn't to date. We have had
25 two men off on sick leave for six months and it hasn't
26 changed the practice.

27 THE CHAIRMAN: Thank you very much, Captain
28 Latter. We will adjourn for a few minutes.

29
30 ---SHORT ADJOURNMENT.



1 MR. JACQUES: Captain Seeley.

3 CAPTAIN CLIFFORD M. SEELEY, Sworn

4 THE SECRETARY: Your name in full?

5 THE WITNESS: Clifford M. Seeley.

7 DIRECT EXAMINATION BY MR. JACQUES:

8 Q. Your age, please?

9 A. 49.

10 Q. What is your occupation?

11 A. I am employed in the Department of Trans-
12 port as assistant to the Superintendent of Pilotage in
13 Ottawa.

14 Q. How long have you been in this employ?

15 A. Since November, 1960.

16 Q. Prior to that were you Supervisor here
17 in Halifax?

18 A. I was.

19 Q. Have you personal knowledge of the
20 negotiations carried on by the Department of Transport
21 with the Halifax pilots as regards their change of status?

22 A. I have.

23 Q. Would you give the Commission the history
24 of these negotiations, please?

25 A. During the time that I was in Halifax
26 as Superintendent of Pilots -- this name has been changed
27 -- it was then Superintendent of Pilots. It is now
28 District Supervisor. Some of the pilots showed interest in
29 becoming government employees. This arose out of offers
30 that were made to the Kingston pilots. After I was in



1 Ottawa I had occasion to come here, I believe it was in
2 March, 1961. I met with some of the pilots in the
3 Committee and there were others present, and I asked them
4 if they were still interested. They said, yes they would
5 be interested, they would like to get some information
6 from the Department and receive an offer for consideration.
7 Upon my return to Ottawa I took up the matter with the
8 officials there and a rate of pay was then received from
9 the Department of Labour and the original offer was made.
10 This was the first meeting held in July of 1961.

11 Q. You were present then?

12 A. I was present then as chairman of the
13 meeting. The reason, as has been brought out before, for
14 dealing with the pilots individually was because the
15 Government of Canada cannot give employment to a group.
16 It must be to an individual. This is the reason pilots
17 were contacted individually. At the time the pilots showed
18 some interest in this offer. One of the main bones of
19 contention was that they thought we could do better on
20 the pilots' pension plan. It was then agreed, we agreed for
21 the Department to try to have the Department give them a
22 better offer on the pension plan and a better offer on some
23 of the other points.

24 This took some considerable time because this
25 involved the actuaries of the Department of Insurance.
26 It involved the Superannuation branch and numerous other
27 departments other than the Department of Transport. Event-
28 ually, and I don't remember the time of the second meeting,
29 the meeting after that, but I think it was in March of
30 1962, or was it this year -- I am sorry . . .



1 Q. You may refer to your files and notes,
2 if you wish?

3 A. That is December 20th, 1962.
4 Another letter was sent to the individual pilots covering
5 the various points that had been discussed and, in reality,
6 making them a new offer. They were then asked to look this
7 over and send in their comments. Each of the pilots did
8 this and their comments were then taken and sort of
9 grouped and then another meeting was held in March of this
10 year at which final decision took place.

11 Q. When you refer to a meeting do you mean
12 a meeting here in Halifax with the pilots?

13 A. In Halifax with the individual pilots.

14 Q. In March of this year?

15 A. That is right.

16 Q. March of 1963?

17 A. That is right. The purpose of this
18 meeting was to try to clear up any point, any question that
19 they might ask, and at the end of this meeting the pilots
20 then present, and I should say these pilots, I think all
21 of them were present at one time or another, but they
22 were coming and going, the pilots that were present when
23 the meeting closed were asked to each submit their decision,
24 whether they were for or against this proposal because
25 at that time it wasn't felt that the Department would go
26 any further in any major points. There were a few things
27 that it was agreed we would try and straighten out. I
28 would say the pilots that were for the proposals submitted
29 their acceptance within a week. The other pilots sent
30 in their refusal as a group. We then asked them to please



1 send in their refusal or acceptance as individuals because
2 we could only handle it as individuals.

3 One of the reasons for trying to push this
4 through as was intimated earlier was not to try to force
5 the Halifax pilots into government employment, but it
6 was because one of the pilots is shortly due to retire
7 and I, personally, had hoped we could get him in under the
8 new pension plan. It had been agreed that if any licensed
9 pilots were active at the time they would be taken in,
10 and this would mean that we could get this man and he could
11 go on pension in a month or so time. That was the end.
12 As it stands at this time we have received acceptance from
13 nine and refusals from nine.

14 MR. JACQUES: Thank you very much.

15
16 CROSS-EXAMINATION BY MR. DICKEY:

17 Q. Captain Seeley, I take it from your
18 evidence that the major consideration so far as the pilots
19 are concerned from your connection with the matter is this
20 question of pension; is that correct?

21 A. It had been the major consideration. I
22 wouldn't say it is the major consideration as the last
23 offer stood. This was thought to be a very generous
24 offer.

25 Q. Certainly the matter of some sort of reason-
26 able pension arrangement has been, for many years, the
27 main bone of contention so far as the Halifax pilots are
28 concerned; is that not correct?

29 A. Yes.

30 Q. This has been a problem that has received



1 the study of the Royal Commission and the Department over
2 a number of years; is that correct?

3 A. Yes, correct.

4 Q. Now, couldn't this proposal, the original
5 meeting and all this sort of thing have been arranged
6 through the Pilots' Committee, Captain?

7 A. I thought that I had already answered that,
8 sir. The government can't possibly offer employment to
9 a group. It must be to the individual. The individual
10 can accept or reject.

11 Q. As far as the final acceptance or rejection,
12 yes, but surely, Captain, with a group operating under
13 by-laws that say that the Authority should deal only
14 with the Pilots' Committee, surely this is a matter that
15 could have been handled through the Pilots' Committee, isn't
16 it?

17 A. This is a Deputy Minister's decision, and
18 this matter, at the first meeting in July of 1961 was
19 explained to all the pilots then present. The Pilots'
20 Committee was present and apparently they all thought
21 this was perfectly all right. There was no disagreement
22 at this time so from then on we continued to deal with the
23 individual pilot on this matter alone.

24 Q. On the basis of the explanation that you
25 have repeated now?

26 A. That is correct.

27 Q. What is meant in the context of this
28 proposal by "prevailing rate employment"?

29 A. I personally have been able to find very
30 little difference between prevailing rate and classified



1 employment. Stenographers, technical officers and various
2 things, engineers, are classified. They come under
3 prevailing rates. There seems to be, certainly among the
4 Halifax pilots a certain stigmatism attached to prevailing
5 rates. I don't know quite why. I would like to say in
6 the Department of Transport, only as an example -- I
7 want to bring this out as an example -- only senior public
8 servants, senior civil servants in the Department are
9 allowed to travel first class on airplanes. I would guess
10 between 15 and 20 such men are employed in the Department
11 of Transport. All others must travel economy class. For
12 instance the Port Weller and Sarnia pilots and the Sault
13 pilots are prevailing rate employees and travel first
14 class because their salaries are high enough to put them
15 in the bracket of senior civil servants. Personally, I
16 would be quite willing to be called a prevailing rate
17 employee if they will pay me senior civil service pay.

18 Q. I quite agree with your personal statement
19 of that, Captain. What I was really trying to find out
20 from you is just what connected with these particular
21 negotiations does prevailing rate mean? What does it
22 refer to?

23 A. There is no classification under the class-
24 ified civil servant that it seems pilots could be fitted
25 into. They would have to be classified as senior civil
26 servants, as I have illustrated, by their salary range,
27 and there was no way we could fit them in as classified
28 civil servants.

29 Q. I take it from the evidence of the Queen's
30 Harbour Master which, perhaps you heard, that the Naval



1 Docking masters are classified as civil servants?

2 A. They are classified as ships' officers
3 and ships' masters, prevailing rate employees.

4 Q. Is it not true that the term prevailing rate
5 means that the remuneration is scaled upon the rates for sim-
6 ilar employment in non-government employment in the area?

7 A. Yes, that is partly correct.

8 Q. What scale of payment of pilots in the
9 area outside of government employment did the Department
10 have in mind in setting prevailing rates for the Halifax
11 pilots, for example?

12 A. I am sorry, I don't understand your
13 question.

14 Q. I said what scale of remuneration of
15 pilots outside government service did the Department have
16 in mind as setting the scale of prevailing rate payments
17 that the government was offering the Halifax pilots?

18 A. I don't think they had anything outside
19 of pilotage in mind.

20 Q. So that the initial rate was to be set on
21 what the pilots were receiving at the time they would
22 enter the government service; is that correct?

23 A. I am unable to answer that. I would only
24 have to guess at it, because I don't work for the Department
25 of Labour and this is where the information came from.
26 The salary was set by the Department of Labour.

27 Q. Is is a fact, is it not, that the salaries of
28 prevailing rate employees are not subject to increase
29 except by revision from time to time in relation to the
30 prevailing rates of



1 similar employment in the area outside government service?

2 A. Nor are classified civil servants.

3 Q. I am just asking you about prevailing
4 rate employees. That is the method of adjustment in
5 rates of pay; is that not correct?

6 A. I know they are reviewed at intervals,
7 usually every two years, but I wouldn't have any firsthand
8 knowledge of how this is done.

9 Q. What did you and your Department propose
10 about future revision of salaries of Halifax pilots under
11 prevailing rate conditions?

RPS 12 Since the salary that was offered to them was
13 received from the Department of Labour in April of 1961,
14 it was agreed that the Department of Labour would immed-
15 iately be asked to review this rate because the two year
16 period has already elapsed since the rate had been set.

17 Q. I am asking you what you intended, as the
18 officer of the Department who put up this proposal?

19 A. But I have already told you what we intended
20 to do. The Department of Labour were asked to review this
21 because the two year period had already elapsed since the
22 rate had been set originally.

23 Q. I am asking you what you intended to do
24 in two years time if this had been accepted? What would
25 be the yardstick against which the prevailing rate then
26 would be set?

27 A. That is not within the Department of Trans-
28 port. This is the Department of Labour.

29 Q. In other words, you are unable to indicate
30 to any of the pilots what their position would be in two



1 years' time?

2 A. That is correct.

3 Q. And that would, of course, then create
4 a very important element of uncertainty about this whole
5 proposal would it not?

6 A. We can only go from past experience that
7 we have had with pilots. In the Port Weller-Sarnia
8 District the pilots there have had two revisions upwards
9 since they were taken in as government employees.

10 Q. Where is this?

11 A. Port Weller - Sarnia.

12 Q. Do you know what yardstick is employed by
13 the Department of Labour there?

14 A. I have no knowledge of this. I do know
15 the increases. It started at \$950.00 per month. It was
16 raised to \$1,200.00 a month. It was raised to \$1,340.00
17 and it was raised to \$1,380.00 a month.

18 Q. As I understand it under the government
19 regulations that is related to conditions accepted by the
20 Department of Labour in that particular area and no one
21 else. Isn't that correct?

22 A. I presume.

23 Q. What relevance would that have to the
24 situation that might interest any Halifax pilots in two
25 years time after this proposal came into effect?

26 A. I am not prepared to say it has any
27 relevance. I am just stating that this -- you are speaking
28 now of how the Department of Labour operates. I am trying
29 to explain to you from the experience that we have had
30 with other pilots.



1 Q. I was speaking principally of what reality
2 this whole proposal could have to Halifax pilots who look-
3 ed at it carefully, trying to see where he would have been
4 say in two years time and as I understand it when you put
5 up the proposal you were not then and are not now in any
6 position to give any indication of what that position might
7 be?

8 A. Are you expecting a guarantee of annual
9 increases each year for so many years?

10 Q. No.

11 A. I quite frankly sir don't know what you are
12 looking for. There is no guarantee of salary for anyone
13 that I know of that is going to be revised upward.

14 Q. Captain it is not so much what I am looking
15 for. I am simply trying to put before the Commission the
16 facts as to what you are in a position to put before the
17 Halifax pilots. I think that is now clear. One other
18 matter that I spoke to you about before you went on the
19 stand, and that is you have heard the evidence relating to
20 the exemption from payment of pilotage dues by certain
21 hospital and war ships?

22 A. Yes sir.

23 Q. As I understand it any exemption would come
24 under Section 346 of the Canada Shipping Act. Is that
25 correct?

26 A. Yes.

27 Q. Which provides that ships of war and
28 hospital ships belonging to such foreign nation or nations
29 as may be specified by the Pilotage Authority are exempt.

30 A. That is correct.



1 Q. As I understand, there is an order exempt-
2 ing U.S.A. vessels, dated the 25th of August 1944?

3 A. That is correct.

4 Q. But that applies only to the United States
5 so far as foreign naval vessels are concerned?

6 A. That is correct.

7 Q. Are you aware of any additional order
8 applying to other than the United States war ships?

9 A. There has never been any order issued
10 covering any groups of ships. As a rule, each particular
11 instance is handled as it comes up.

12 Q. Are you aware of any order having been
13 issued exempting the Netherlands ships, for example?

14 A. I am aware of this particular case, yes.

15 Q. Was an order issued exempting them, or what
16 was done?

17 A. A decision was made exempting them.

18 Q. This was a decision of the Pilotage
19 Authority was it?

20 A. I couldn't say that. I really couldn't
21 because I know in cases of this nature more than the
22 Department of Transport is involved.

23 Q. Actually the statutory authority, or the
24 effect of the order has to be exercised by the Pilotage
25 Authority?

26 A. Any operating decision came finally from
27 the Department of Transport.

28 Q. That is all.

29 CROSS-EXAMINATION BY MR. LANGLOIS:

30 Q. Captain Seeley you mentioned early in 1961



1 you met some pilots individually, some of them were
2 interested. How many pilots did you meet on that occasion?

3 A. I couldn't say now. I haven't any idea.

4 THE CHAIRMAN: While we are on this subject,
5 it was an unofficial, informal meeting was it?

6 THE WITNESS: That is correct.

7 Q. And if I understood your testimony correctly
8 in this regard, it was after this first visit to Halifax
9 you made the suggestion to the Department on a wider basis
10 with regard to a new approach to the pilots?

11 A. Yes. I would say I was the instigator.

12 Q. You are the instigator of this?

13 A. I would say so, yes.

14 Q. You have been calling it your own baby
15 for a while.

16 A. Perhaps yes.

17 Q. Now you stated that you were trying, you
18 or the Department were trying to push this thing through
19 because there was a pilot who was about to retire. Could
20 you explain then why practically nothing was done on this
21 proposal for over a year and a half, from July 1961 to the
22 end of December 1962?

23 A. Well in this particular case I would say
24 that the Department of Transport was not at fault. As I
25 explained in my earlier evidence there were a number of
26 other departments involved in this, mostly because of the
27 complexity of the pension fund, the superannuation branch.

28 Q. But when you say that you were trying to
29 push this through because of a pilot who was about to
30 retire, did you use that as an explanation for the deadline



1 which was set by the Department for the pilots to give their
2 approval or rejection of the offer which date was May 15th?

3 A. This is one of the explanations. The other
4 would be that a considerable time had elapsed since the
5 meeting had been held in Halifax. We had received early
6 reports from the men who accepted, but there was a consider-
7 able delay from the other people when they had been asked
8 to send these things in individually, their acceptance
9 or rejection.

10 Q. Would this, for example, explain the
11 following paragraph in the Departmental letter of April
12 26th, filed as Exhibit 366, and I quote:

13 "Apart from this I think that I should point out
14 "that the authority to make the offer of
15 "employment which was made to you involved a
16 "considerable amount of negotiations and it
17 "was only after long consideration by the
18 "Central Authorities that the Department was
19 "able to secure approval for employment as
20 "proposed. This offer cannot be kept open
21 "indefinitely and if it is rejected now, it
22 "cannot be assumed that there will be another
23 "opportunity to make a change."

24 A. I have forgotten the first part of your
25 question, I am very sorry. You asked me if this was the
26 reason for this?

27 Q. For this paragraph.

28 A. For that paragraph, yes. The reason for
29 that paragraph I would say that after a considerable time
30 has elapsed since this proposal has been made up, and if



1 we make another proposal, this will all have to go through
2 the mill again. It won't be just as easy as taking it up
3 and making a few changes. It will all have to go through
4 the various departments again so another offer couldn't
5 be made within probably another year; after a certain time
6 has elapsed.

7 Q. Would you say that in this paragraph we
8 are getting a bit away from the sympathetic consideration
9 for this poor pilot who was about to retire?

10 A. It could be, yes. There may have been
11 the thought of a lot of people's work going down the drain.

12 Q. Did I hear you say, and correct me if I
13 am wrong, that the Port Weller - Sarnia pilots were happy
14 with their new status, the present status?

15 A. I don't remember saying that.

16 Q. I thought I had misunderstood what you
17 said. I just wanted to verify that because I know the
18 situation is just the opposite.

19 MR. JACQUES: I hope my learned friend is not
20 giving evidence.

21 MR. LANGLOIS: You will get evidence when the
22 Commission goes up there and sits. You will be interested
23 Mr. Jacques.

24 Q. I don't want to go into this too greatly,
25 but I understand that you were the Superintendent of Pilots
26 when this policy of the Department was put into practice
27 of hiring masters for the pilot boat. Is that correct?

28 A. That is correct.

29 Q. Can you tell the Commission whether or not
30 there was a request from the Halifax pilots to hire captains



1 for the pilot boats?

2 A. I don't believe there was, because this
3 did not only involve the pilot boats in Halifax. It
EE2 4 involved all the pilot boats in Canada.

5 Q. There was no request from the Halifax
6 pilots to the Department to hire masters for these pilot
7 boats?

8 A. There could have been, but I have no
9 knowledge.

10 Q. Thank you.

11

12 RE-DIRECT EXAMINATION BY MR. JACQUES:

13 Q. How many pilots were employed as masters
14 of these pilot boats when this system was in force?

15 A. There were two people, two pilots on each
16 week and two pilots off that week, so there were four
17 pilots actually involved. In other words, there were four
18 pilots who never did any piloting so if the number of
19 pilots were 22, there were only 18 pilots available for
20 work.

21 Q. For piloting?

22 A. For piloting.

23 Q. And the other four limited themselves
24 strictly to handling the pilot boat?

25 A. That is correct. Each week it was changed.
26 The two that came on this week would go off next week and
27 not be available for dispatching.

28 Q. When you had your meeting in July 1961 was
29 a figure mentioned as salary to the pilots?

30 A. There was a figure mentioned. I don't know



1 what it was. I can't remember what it was.

2 Q. There was a figure mentioned?

3 A. Yes.

4 Q. At that meeting did you have with you avail-
5 able a representative of the Department of Labour?

6 A. No.

7 Q. Was there anyone else with you from Ottawa
8 at this conference?

9 A. Yes. There was Mr. Roy Baxter.

10 Q. Who is he?

11 A. He is Director of Administration and
12 Personnel. The chief personnel officer marine, Mr.
13 Dutchek was with us. I think that is all.

14 Q. Was there anyone able to answer the
15 queries of the pilots with regard to the prevailing
16 rate employees, the general regulations; to explain to
17 them exactly how their salary would be fixed later on?

18 A. Yes. Mr. Baxter explained this to them.
19 It was later explained at another meeting. The last meeting.

20 Q. The last meeting?

21 A. Yes.

22 Q. Was any guarantee of employment given to
23 the pilots?

24 A. No.

25 Q. Thank you.

26

27 RE-CROSS EXAMINATION BY MR. LANGLOIS:

28 Q. Were the pilots told at the time that this
29 revision would take place every two years, that it could
30 result in either an increase of the status quo or a decrease



1 of the earnings?

2 A. Absolutely.

3 Q. And there was no appeal from the decision
4 of the Labour Board?

5 A. I don't know if they were told that. I
6 don't recall. They were told the first one.

7 Q. In fact there is no appeal.
8

9 CROSS-EXAMINATION BY MR. DICKEY:

10 Q. In answer to my learned friend, you were
11 describing the system where the pilots acted as master
12 of the pilot boats. This was without cost to the Depart-
13 ment, without cost to the government in any way. Is that
14 correct?

15 A. Yes. It was without cost.

16 MR. JACQUES: In other words, they share as the
17 other pilots share in the revenue from piloting?

18 THE WITNESS: That is correct.

19 MR. JACQUES: My lord, this closes the evidence
20 which was to be presented to the Royal Commission in
21 Halifax and I wish to thank all the witnesses for their
22 co-operation and also the staff of the Department of
23 Transport, my learned friend Mr. Langlois and also Mr.
24 Dickey.

25 THE CHAIRMAN: As far as we are concerned, accord-
26 ing to the roll here it is not finished. We have Imperial
27 Oil Limited.

28 MR. JACQUES: My lord Imperial Oil has asked
29 me if they could postpone the presentation of their
30 brief to either Montreal or Toronto sir.



1 THE CHAIRMAN: Request granted. Now what about
2 item 10, Mr. Irwin, secretary-treasurer of Sheet Harbour
3 Pilotage Authority. Is he here?

4 MR. JACQUES: I don't believe he is here. He
5 was called on the first day when the Commission opened
6 this hearing. I phoned.

7 THE CHAIRMAN: We are going to find out whether
8 he was informed.

9 THE SECRETARY: My lord if I may read into the
10 record, I have before me a copy of the letter which I
11 sent to Mr. Irwin under date of May 7th. It is addressed
12 to Mr. Elmer A. Irwin, secretary-treasurer, Sheet Harbour
13 Pilotage Authority, Sheet Harbour Nova Scotia.

14 "Dear Sir:

15 "As you are undoubtedly aware, the Royal
16 "Commission on Pilotage will be holding a public
17 "hearing in Halifax beginning at ten A.M. on
18 "Tuesday, May 28th, in the Red Room, Province
19 "House, Hollis Street. I expect the hearing to
20 "last some three days.

21 "The hearing will be devoted to a review
22 "of the briefs submitted to the Commission in
23 "connection with present and future pilotage
24 "requirements in the Harbour of Halifax and in
25 "the smaller ports where pilotage services are
26 "provided, including the one at Sheet Harbour.

27 "The Commission would appreciate having
28 "the Chairman of your Pilotage Authority and/or
29 "yourself appear before it on May 23rd to learn
30 "of the pilotage situation at your port and be



1 "appraised of its present and future requirements
2 "from the pilotage point of view. In this
3 "connection, will you please have available for
4 "submission at the hearing a certified copy of
5 "the Annual Reports of your operations, which
6 "you have sent to the Department of Transport
7 "for each of the five years between the period
8 "1958 - 1962.

9 "If you wish to contact the Commission
10 "counsel, Mr. Maurice Jacques, or myself, prior
11 "to your appearance before the Commission on
12 "May 23rd, we will be at your disposal at the
13 "Carlton Hotel." And I signed this as secretary
14 and director of research.

15 THE CHAIRMAN: Did you receive an answer to that?

16 THE SECRETARY: I may mention sir in connection
17 with the last paragraph that we say the Carlton Hotel. This
18 was changed to the Nova Scotian of course since this letter
19 was sent. Mr. Jacques as counsel of the Commission has
20 tried --

21 THE CHAIRMAN: As far as you are concerned did
22 you receive anything?

23 THE SECRETARY: No reply.

24 THE CHAIRMAN: Nobody contacted you?

25 THE SECRETARY: No sir.

26 THE CHAIRMAN: With regard to Commission counsel
27 what did you do?

28 MR. JACQUES: A letter was delivered at the
29 Nova Scotian Hotel containing the statements for the past
30 three or five years with no notes, nothing. I phoned Mr.



1 Irwin on Monday. There was no reply and I phoned the pilot
2 on Monday. He was not there. I left a message at his
3 home that he should call me back and to my knowledge no
4 one has called.

5 THE CHAIRMAN: You will note for the record the
6 absence of the representative of Sheet Harbour Pilotage
7 Authority. Well gentlemen this closes the hearings.

8 MR. DICKEY: My lord, perhaps as senior of the
9 local counsel I might be permitted to express to the
10 Chairman and members of the Commission, and Commission
11 counsel and my colleague Mr. Langlois our appreciation and
12 great pleasure in having had the opportunity in particip-
13 ating in the Commission's work in Halifax and we wish the
14 Commission very pleasant further sittings and we will
15 look forward with great anticipation to the conclusion
16 of the Commission's work and its recommendations. Thank
17 you very much indeed.

18 MR. ANDERSON: I would like to say that I
19 concur fully with Mr. Dickey's words.

20 THE CHAIRMAN: We thank you very much and I
21 wish to say that the pleasure was ours to have had the
22 opportunity of sitting here in Halifax. We may say what
23 we have found here is a very satisfactory situation. As
24 far as organization is concerned, it is well done. Records
25 are well kept. You know where you are going. It is easy
26 to get the facts. As far as pilotage is concerned there
27 is no doubt it is very efficient.

28 Now it appears clearly that there is no conflict
29 and no real grievance but that does not mean there is no
30 difference of opinion on certain matters. There is always



1 room for improvement everywhere. We are quite satisfied
2 with what we have seen here and we would like to see the
3 same pattern repeated everywhere.

4 Unfortunately it is not so. I might also say,
5 this may be a personal opinion, but here I have found for
6 the first time pilots who consider themselves as self-
7 employed and are living up to it. This is another pattern
8 that we see, and we have seen many, as I told you before.

9 We thank you very much. We have had the facts
10 we wanted, through your kind co-operation, and we thank
11 you very much. As I told you before should anything
12 further come to your mind you think we should be
13 informed about, please write to us and let us know and
14 also any recommendations. Thank you.

15 We will adjourn now until Monday morning at
16 10:00 o'clock at North Sydney.

17

18 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,

19 MONDAY, THE 1st DAY OF JUNE, 1963,

20 TO BE RESUMED AT NORTH SYDNEY, NOVA

21 SCOTIA.

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